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Masculinity, nobility and the moral instruction of the Carolingian lay elite

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**MASCULINITY, NOBILITY AND THE MORAL INSTRUCTION OF THE
CAROLINGIAN LAY ELITE**

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**Thesis submitted for the degree of Doctor of Philosophy,
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ABSTRACT

My thesis focuses on the moral instruction given to noble laymen in Carolingian Francia (750-900 AD). It draws on texts from many genres (including moral handbooks for laymen, poetry and legislation) to determine moral expectations about noble laymen in three key areas: behaviour in warfare, the use of power and sexual conduct. I then use the norms revealed in this research to examine concepts of masculinity and nobility in the period.

My research shows that many of the assumptions made about early medieval ethics are questionable for this specific culture. Few moral limits were imposed on Frankish warfare, and military actions were justified more by their success than any 'just war' theory. Yet heroism *per se* was not glorified: the emphasis was on the benefits to the realm achieved either through military or peaceful means. Some scholars have seen Carolingian intellectuals as incapable of theoretical discussions of power. However, the extensive moral comments made on power relations argue against this. Instead they show both an awareness of public/private distinctions and a seemingly deliberate decision to achieve political consensus by sticking to statements of generally acceptable moral principles. Frankish attitudes to sexual behaviour in the period cannot be characterised as motivated mainly by concerns of ritual purity, or as rules imposed by a church fearful of sex on a supposedly unwilling laity. Rather, the new norms suggest complex negotiations as to which sexual and marital restrictions were practical and socially acceptable. My thesis also argues that the first visible developments of specific ethics for lay nobles may have been the initiative of this group itself, as much as of clerical intellectuals, and that Carolingian elite masculinity was not in crisis (in contrast to dominant masculinities in many other historical periods).

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CHAPTER 1: INTRODUCTION

In about 800, Alcuin, abbot of St Martin of Tours, sent a short moral treatise to Guy, count of the Breton march, entitled *De virtutibus et vitiis*. Alcuin's text was the most influential of several such treatises addressed to noble laymen in the Carolingian period.¹ Copies were owned by several lay aristocrats,² reused by other Carolingian authors,³ and translated into several vernacular languages.⁴ More than 140 manuscripts survive, including many from the ninth century.⁵

Guy had asked Alcuin for a brief exhortation suitable for his military occupation.⁶ Alcuin's response discussed the virtues and vices, focusing less on doctrine or devotional practices than on how laymen ought to behave.⁷ As he added at the end:

Do not let either the *habitus* of a layman or the quality of a secular way of life frighten you, as if in this *habitus* you were not able to enter the doors of the heavenly life.⁸

Alcuin's concern about the lay *conversatio* was not an isolated example. The strenuous attempts at religious reform in the Carolingian period aimed to correct the behaviour of laypeople, as well as clerics.⁹ A variety of genres provided implicit and explicit moral instruction for their lay audiences, with an overwhelming emphasis on

¹ See below p 31.

² (Riché 1963, 94, 99).

³ DIL 3-6; LM 4-6; (Newhauser 1989, 18-20).

⁴ (Szarmach 1981, 133-134).

⁵ (Szarmach 1981; Szarmach 1989, 14-16).

⁶ DVV introduction: 'me obnixe flagitasti aliquod tuae occupationi, quam te in bellicis rebus habere novimus, exhortamentum brevi sermone conscribere'.

⁷ DVV conclusion: 'ut habeas cotidie quasi manulem in conspectu tuo libellum, in quo possis teipsum considerare, quid cavere, vel quid agere debeas'.

⁸ DVV conclusion: 'Nec te laici habitus vel conversationis saecularis terreat qualitas, quasi in eo habitu vitae caelestis ianuas intrare non valeas.'

⁹ (McKitterick 1977).

men and male behaviour.¹⁰ The nobility,¹¹ in particular, formed an important part of the audience for many moral works. This thesis focuses on texts providing moral instruction to this elite, lay and often male audience. My aim is firstly to clarify what moral norms were presented to this audience on three broad issues of 'lifestyle': warfare, the use of power and sexual behaviour. I then investigate how moral norms in these areas were used to define ideas of masculinity and nobility.

1.1 PREVIOUS RESEARCH

My thesis lies at the intersection of four topics of interest to previous researchers: the development of Western Christian ethics, lay piety in the Carolingian period, the definition and self-image of the Frankish nobility and the changing historical construction of masculinity.

Since Delaruelle's discussion of Carolingian moral teaching,¹² there has been little research on early medieval ethics.¹³ Sibylle Mähl complained in 1969 that moral views were not seen as an important part of early medieval intellectual history,¹⁴ but her hope for more systematic investigation have remained unfulfilled. Studies of moral ideals have tended to concentrate on particular ethical topics, such as marriage, slavery, warfare and attitudes to money.¹⁵ Many studies have been concerned with tracing specific long-term ethical developments, and have often seen the early medieval period as only one (relatively unimportant) era.¹⁶ Much research has not

¹⁰ (Smith 1998, 71-72): 'Rather of Verona did what no Carolingian writer had done before: he addressed married women directly.' (Heene 1997, 260): around 80% of Carolingian hagiography memorialised male saints.

¹¹ For definitions of nobility see section 3 of this chapter.

¹² (Delaruelle 1954).

¹³ (Davis 2003), in a recent history of Western ethics, simply states (p 47): 'The renaissance of learning which had its center at the court of Charlemagne (742-814) did not give rise to innovation in moral thought.' Because of this lack of research, most of the present thesis is devoted to analysing the prevalent moral views, with less emphasis than ideal on their significance for masculinity and nobility.

¹⁴ (Mähl 1969, 1) saw this neglect as having a 'zweifelhafte Rechtfertigung' in 'dem Mangel an 'originaler' Denkweise, der dieser Epoche [early medieval] eigen ist'.

¹⁵ Overviews of the literature on particular ethical topics are given in the relevant chapters.

¹⁶ See e.g. (Wenzel 1966; Erdmann 1977; Boswell 1980).

distinguished between messages for different audiences (lay and clerical, male or female, those of differing social standing). One exception has been a particular interest in the moral behaviour expected of rulers.¹⁷

One starting point for my thesis was Patrick Wormald's important argument that Anglo-Saxon aristocrats who converted to Christianity in the eighth century were required to make little change to their way of life.¹⁸ Was this also true for Frankish noblemen during the Carolingian reforms? There has been relatively little investigation of the moral norms expected of and practised by the lay nobility.¹⁹ Those researchers who have studied moral ideals for the (noble) laity in the Carolingian period have largely based their research around a few specific texts with particular lay associations, such as the works of Nithard,²⁰ Dhuoda²¹ and Odo of Cluny's *Vita* of Gerald of Aurillac.²²

Such studies of individual Frankish nobles have been linked to a recent more general interest in early medieval lay piety.²³ Research has often focused on particular religious practices, such as private devotions,²⁴ penance²⁵ or the cult of saints.²⁶ While some of these studies have discussed sexual morality (in the context of the religious understanding of marriage),²⁷ there has been little interest in the other ethical content of religious instruction.²⁸

¹⁷ See e.g. (Anton 1968; Ullmann 1969; Kershaw 1998).

¹⁸ (Wormald 1978).

¹⁹ The few exceptions include (McKitterick 1977; Airlie 1998b).

²⁰ See e.g. (Patze 1972; Nelson 1989; Depreux 1992).

²¹ See e.g. (Dronke 1984a; Claussen 1990; Nelson Forthcoming).

²² See e.g. (Lotter 1983; Airlie 1992; Nelson 1999a).

²³ See e.g. (Chélini 1991; Smith 1995; Meens 2001).

²⁴ See e.g. (Salmon 1976; Castes 1990).

²⁵ See e.g. (de Jong 1998b; Hamilton 2001).

²⁶ See e.g. (Prinz 1975; de Jong and Theuws 2001; Smith 2003b).

²⁷ See e.g. (Toubert 1977; Gaudemet 1987; Chélini 1991, Part 2).

²⁸ Reflecting this, there has been far less interest in the 'lay mirrors' (with the exception of Dhuoda's) than the 'mirrors for princes', and their content has often been dismissed. See e.g.

For the most part separately from this research on religious history (although sometimes using the same texts),²⁹ scholars have long been interested in the nature of the Carolingian secular elite, the extent to which it can be seen as a 'nobility', and investigations of its self-image.³⁰ Much of this work has centred on analysis of family structures and consciousness.³¹ Nobles, however, defined themselves not only by family origins, but also by behaviour and a particular material culture.³² There has been considerable scholarly interest in the ethical instruction and 'civilisation' of the nobility in the high Middle Ages;³³ studies of early medieval 'courtly' culture are now beginning to emphasise the role of courts in spreading moral norms among the elite.³⁴ Only a few studies have begun to look at issues of 'noble' values in the Carolingian world, either in general terms³⁵ or specifically focusing on behaviour in war.³⁶ Building on these studies, I have aimed to separate out noble laymen from the religious, women and kings also described by the sources as 'noble'.

The study of masculinity is a relatively recent scholarly development. The formation and expression of masculinity was first discussed in fields such as psychology, sociology and anthropology. The modern theoretical view of masculinity as a social construction within gendered power relations developed as part of second wave feminism and gay liberation.³⁷ More recent still are attempts to track historical

(Nelson 1977b, 59): 'It is hard to believe that such anxieties [of 'conscientious laymen'] were dispelled by the often banal prescriptions of an Alcuin or a Jonas. Lay society continued to operate with its own values.'; (Brunner 1979, 104): 'Allen [the addressees of the mirrors of Alcuin, Paulinus and Jonas] wäre es schwer gefallen, aus den ihnen dargebrachten Specula irgendeinen Nutzen für das praktische Leben zu ziehen.'

²⁹ See e.g. (Wollasch 1957) (on Dhuoda).

³⁰ (Reuter 1997) provides a useful overview.

³¹ See e.g. (Schmid 1957; Hennebicque 1981; Bouchard 1986).

³² (Reuter 2000a).

³³ (Reuter 1997, 191-193).

³⁴ See in particular (Cubitt 2003).

³⁵ (Goetz 1983; Le Jan 1995, chapters 2-4; Nelson 2000).

³⁶ (Leyser 1984; Nelson 1989; Barthélemy 1998).

³⁷ (Connell 1987, 27-38) summarises the main developments.

change in ideas and expressions of masculinity.³⁸ The majority of work on the history of masculinity deals with the modern and early-modern West, but there are also a number of studies of works on ancient concepts of masculinity.³⁹ More recently, scholars of the medieval period have begun to examine the topic,⁴⁰ (although there are few works yet on the early Middle Ages).⁴¹ Studies of early medieval masculinity potentially overlap with discussions of nobility (since it is normally only elite men who are visible in the sources). In their interest in gendered sexual behaviour, these scholars' work also links to studies of sexual ethics.⁴² So far, however, the themes that have emerged have largely been similar to discussions of masculinity in the modern period, which Bryce Traister rather dismissively refers to as: 'the by now foregone conclusion that masculinity is always constructed, contingent, and at crisis.'⁴³ One exception has been Carol Clover's view of the early Norse sex-gender system as strikingly different from the normal Western one.⁴⁴

1.2 METHODOLOGY AND PROBLEMS

Sex, gender and masculinity

When studying Carolingian Francia, the binary categories of 'male'/'female' and 'man'/'woman' are relatively unproblematic. In the texts used, men and women

³⁸ (Roper 1990, 186): 'While we now have a substantial body of literature analysing what masculinity *is*, we still know precious little about its history.'

³⁹ On the Biblical period see e.g. (Young 1994; Clines 1995; Moore and Anderson 1998). On the classical period and late antiquity see e.g. (Cooper 1992; Walters 1993; Gleason 1995; Foxhall and Salmon 1998; Burrus 2000; Kuefler 2001).

⁴⁰ See e.g. (Lees 1994b; Cohen and Wheeler 1997; Murray 1999; Karras 2003).

⁴¹ It is hard to define the boundaries of studies of masculinity, but the following are the publications I know of which focus on Continental Europe between c. 500-1000: (Townsend 1997; Kitchen 1998; Smith 1998; Hadley 1999b; Innes 2003; Brubaker and Smith 2004; Halsall 2004).

The few studies on masculinity in Anglo-Saxon England have concentrated on literary texts e.g. (Lees 1994a; Dockray-Miller 1998). The main exception is Allan Frantzen's work on the penitentials e.g. (Frantzen 1997). Work on Norse masculinity began earlier: see e.g. (Sorensen 1983; Clover 1993).

⁴² See e.g. (Balzaretto 1999; Leyser 1999; Nelson 1999a).

⁴³ (Traister 2000, 299). For studies seeing an actual or potential 'crisis' in early medieval masculinity see (Smith 1998, 58-59; Nelson 1999a).

⁴⁴ (Clover 1993).

are normally implicitly distinguished, and references to people of ambiguous biological sex, such as hermaphrodites or eunuchs, are rare.⁴⁵ The non-grammatical use of the word 'gender' is a recent development,⁴⁶ although Latin terms such as 'effeminatus' and 'virago' already show two conceptual levels being used about maleness and femaleness, with biology and social behaviour not necessarily aligned.⁴⁷ A similar conceptual divide is visible in Gayle Rubin's influential definition of the 'sex/gender system': 'Every society...has a sex/gender system - a set of arrangements by which the biological raw material of human sex and procreation is shaped by human, social intervention'.⁴⁸ My study starts from this now standard assumption of the 'social construction' of gender and masculinity.⁴⁹

It also takes account of the feminist insight that such social construction is not a straightforward or consensual process. Joan Scott's definition of gender is useful here: 'gender is a constitutive element of social relationships based on perceived differences between the sexes, and gender is a primary way of signifying relationships of power.'⁵⁰ She sees gender in its aspect of constituting social relationships as having four elements: culturally available symbols, normative interpretations of these symbols, the social and political conflicts which produce these norms, and the subjective identities created.⁵¹ My work will therefore investigate if specific Carolingian social groups were articulating particular moral norms and possible conflicts between them.

Research on masculinity in a number of different periods has developed theories of social construction and conflict further by showing the simultaneous

⁴⁵ For other early medieval cultures these binary categories are less appropriate: see e.g. (Ringrose 2003, Introduction).

⁴⁶ (Scott 1986, 1053-1054).

⁴⁷ Such a conceptual division, however, may not have been universal in the early medieval west: see (Clover 1993, 363-371).

⁴⁸ (Rubin 1975, 165).

⁴⁹ See e.g. (Carrigan, Connell, and Lee 1987, 177-178; Edley and Wetherell 1995).

⁵⁰ (Scott 1986, 1067).

⁵¹ (Scott 1986, 1067-1068).

existence of multiple masculinities within one society. 'Men' do not form a single category: instead groups of men differentiate themselves from others (as well as from women) via ideologies and institutions. These different masculinities are not equivalent, but reflect power relations and other social pressures, and in turn create subjective identities.⁵²

Many scholars of modern masculinity have proposed the existence of one dominant masculinity constructed in opposition to a number of subordinate masculinities.⁵³ The sociologist Robert Connell has described this dominant form of masculinity as 'hegemonic'. He sees hegemonic masculinity as a culturally exalted model, which, although it may only correspond to the actual characters of a few men, is nevertheless sustained by large numbers of men.⁵⁴ This is because: 'most men benefit from the subordination of women, and hegemonic masculinity is the cultural expression of this ascendancy.'⁵⁵

The historical usefulness of the concept of 'hegemonic masculinity' for earlier periods, is however doubtful, since Connell stresses the key role of both mass media and the state in constituting and enforcing hegemony.⁵⁶ Moreover, in pre-Reformation Europe, the male world was institutionally split along clerical/lay lines, preventing the existence of a single dominant masculinity.⁵⁷

The other theoretical insight that has most affected studies of historical masculinity is Judith Butler's idea of the 'performativity' of gender.⁵⁸ Gender does

⁵² (Carrigan, Connell, and Lee 1987, 178-179).

⁵³ (Tosh 1994, 191).

⁵⁴ (Carrigan, Connell, and Lee 1987, 179-180; Connell 1987, 183-188).

⁵⁵ (Connell 1987, 185).

⁵⁶ (Carrigan, Connell, and Lee 1987, 181-182; Tosh 1994, 192). For example, although (Kuefler 2001, 4-6) sees changing forms of hegemonic masculinity in late antiquity, he does not actually demonstrate their hegemony.

⁵⁷ (Hadley 1999a, 4-6).

⁵⁸ (Butler 1990, 25): 'gender proves to be performative - that is, constituting the identity it is purported to be. In this sense, gender is always a doing, though not a doing by a subject who might be said to preexist the deed.'

not simply exist, but is created as it is expressed.⁵⁹ Visible performance is thus central to the construction of masculinity in the Middle Ages and later.⁶⁰ For this reason, a study of what men were expected to do (or not do) is a particularly appropriate way of approaching questions of masculinity.⁶¹

Several recent articles have seen major problems with the whole idea of studying masculinity. Matthew Fox, discussing work on ancient masculinity, is profoundly sceptical of historians' ability to say anything meaningful. He claims that it is:

impossible to accept that the category 'masculinity' can emerge from the texts unsummoned by our own desire.... There are serious problems, then, even in accepting the notion of masculinity as subject in the ancient world.⁶²

Some studies of historical masculinity do seem to have fallen into the trap of assuming transhistorical, invariable male traits,⁶³ or seeing male and female behaviour as necessarily opposite.⁶⁴ In this thesis I have therefore tried to follow the advice of Jeff Hearn: 'it is sensible not to make too many assumptions about what masculinity might be or even whether masculinity is relevant or meaningful in a historical society.'⁶⁵

⁵⁹ (Butler 1990, 25): 'There is no gender identity behind the expressions of gender; that identity is performatively constituted by the very "expressions" that are said to be its results.'

⁶⁰ (Hadley 1999a, 14-16).

⁶¹ I have not made use of the more radical views e.g. of (Butler 1990, 91-; Parker 2001, 326-330) arguing for the social construction of 'sex' as a category. Although some studies of masculinity (e.g. (Bullough 1994; McNamara 1994, 9-10; Breitenberg 1996, 14) see medieval and early modern medical views on sexual difference as affecting understandings of masculinity, it is difficult to substantiate the simple links made between the two areas ((Gowing 1998, 285)).

⁶² (Fox 1998, 12).

⁶³ See e.g. (McNamara 1994, 22-23): 'This leaves us, I think, with a final formulation of the *Herrenfrage*, as puzzling and vital today as it was a millennium ago: Why do men feel the need to be "MEN"?'

⁶⁴ For example, (Kuefler 2001, 77-96) claims that because some Roman philosophers developed an ethic of male sexual behaviour which differed less than before from norms imposed on women, this must have led to fears about effeminacy. This ignores the key insights of (Foucault 1986) and (Brown 1988), that social groups with seemingly similar practices (such as marital chastity or sexual abstinence) could give these completely different moral meanings.

⁶⁵ (Hearn 1996, 210).

Several scholars have raised another possible problem in studies of masculinity: their tendency to ignore disparities in power between men and women. In particular, a focus on multiple masculinities and the extent to which these structure relationships among men, leads to the neglect of the question of male/female power relations.⁶⁶ Bryce Traister has made one of the most far-ranging critiques of masculinity studies. He sees ‘masculinity studies’ as a code term for ‘heterosexual masculinity studies’⁶⁷, and comments:

Heteromascularity studies is [sic] the academic answer to the regressive politics of “menz ideology” now proliferating in [North American] mainstream periodicals, radio and television.⁶⁸

Traister also sees several specific methodological problems. He asks: ‘how different are the studies of “men as men” from earlier studies of “Man”?’⁶⁹ and argues that a focus on masculinity simply reinstates the traditional canon and subjects of literature, film and history.⁷⁰ He is also concerned that studies of masculinity tend to exclude the male and female ‘others’ against whom hegemonic masculinity is defined.⁷¹ Finally, Traister is unhappy with a narrative of American masculinity that sees it in repeated periods of crisis from post-Revolutionary times to the present.⁷² He sees an emphasis on crisis and the unattainable nature of normative masculinity as leading to a loss of explanatory power:

To hold that all masculine genders are performative, incoherent and anxious is to hold that incoherent and anxious gender performativity is normative...the possibility of differing masculinities is crushed by the juggernaut of the increasingly programmatic masculine crisis.⁷³

⁶⁶ (Ditz 2004, 2) Cf. (Tosh 1994, 183) ‘so many recent historical writings on manliness have been quite innocent of gender... thus obscuring the crucial *relational* quality of all masculinities.’

⁶⁷ (Traister 2000, 275).

⁶⁸ (Traister 2000, 278).

⁶⁹ (Traister 2000, 282).

⁷⁰ (Traister 2000, 297-298).

⁷¹ (Traister 2000, 283-284).

⁷² (Traister 2000, 287-291).

⁷³ (Traister 2000, 296-297). Cf. (Ditz 2004, 5-7).

Traister does, however, see the possible usefulness of heteromascularity studies when it analyses the straight male subject with a concern for its effects on women, and when such work is marked by an 'edgy, uncomfortable voice unsure of the grounds of analytical authority, because the ground itself is either fragile or suspect.'⁷⁴

Whether or not my work is sufficiently 'edgy', I have tried to remain conscious of such problems, for example, by avoiding assuming the universality of elite males' experience. My choice of moral topics allows me to examine the power relations of such men with both other groups of men and with women.⁷⁵ Some scholars have complained about the focus on male self-representation in many studies of masculinity.⁷⁶ Although this is difficult to avoid for the early Middle Ages, I have also looked at the few texts written by Carolingian women.⁷⁷ I inevitably look only at (supposedly) 'heterosexual' men, because 'gay' culture is effectively invisible.⁷⁸ However two supposedly distinct forms of (elite) masculinity, lay and clerical, existed in the Middle Ages, marked partly by different sexual behaviour. This division prevented Carolingian moralists from seeing 'practising heterosexuals' as the only acceptable form of masculinity.

As already indicated, the concept of 'crisis' is widespread in discussions of masculinity, but remains very problematic. I have not followed some scholars who have seen 'anxiety' or 'crisis' as inherent to men in a male-dominated society.⁷⁹ If the

⁷⁴ (Traister 2000, 299).

⁷⁵ For reasons of time I have not studied the far smaller number of texts which specifically address moral norms for the behaviour of (noble) women. Instead, I have drawn on several studies which do discuss these issues, particularly (Wemple 1981; Heene 1997).

⁷⁶ (Dierks 2002, 150).

⁷⁷ See section 4 of this chapter.

⁷⁸ For a discussion of the problem of using the terms 'homosexual' and 'heterosexual' in discussions of the early Middle Ages, see Chapter 4, p 200.

⁷⁹ (Breitenberg 1996, 3): 'anxiety is an inevitable product of patriarchy at the same time as it contributes to the reproduction of patriarchy.' (Tosh 1994, 192): 'Masculinity is insecure in two senses: its social recognition depends on material accomplishments which may not be attainable; and its hegemonic form is exposed to resistance from both women and subordinated masculinities. (There is a third sense in which masculinity tends to insecurity, arising out of its psychic constitution...)'.

struggle by men to retain their privileged position intrinsically creates anxiety, why was there not a similarly long-lasting 'crisis of nobility'?⁸⁰

If there is not a permanent 'crisis in masculinity', how can specific times of crisis be recognised? One approach has been examining individual case-studies of men in crisis.⁸¹ However, the existence of such men is not automatically a sign of masculinity in crisis: it is not just men, after all, who have crises.⁸² Early medieval texts also often follow the Christian topos of surrounding conversion with personal crises.

Some scholars have therefore argued that crises must be linked to changes to the gender order.⁸³ Unfortunately, there is no consensus on whether or when such changes took place in the Middle Ages.⁸⁴ As a result, I have adopted a third approach to 'masculinity in crisis', which emphasises the role of the discourses constructing masculinity.⁸⁵ In particular, I draw on Sally Robinson's insight about the performative nature of crises:⁸⁶ a crisis is 'real' when its rhetoric has a discernible effect, regardless of the actual social situation behind it.⁸⁷ In several periods in classical and medieval

⁸⁰ (Reuter 1997, 195): scholars have suggested a late medieval 'crisis of nobility'.

⁸¹ See e.g. (Clarke 1991; Nelson 1999a; Robbins 2004).

⁸² Toddlers are particularly prone to them.

⁸³ (Ditz 2004, 20): 'Despite the tendency of the literature on the masculine subject to call every crack and fissure in the process of inducting men into their masculine identities a crisis, squabbles among men over their share of the patriarchal dividend...do not in themselves signal a gender crisis, although they may well precipitate one. We should stipulate that a gender crisis involves challenges to the terms of men's dominance over women'.

⁸⁴ (Bennett 1997) is sceptical of many of the supposed 'transformations' of women's history, while (Smith 2000, 565-566) sees changes in women's lives between 300 and 800 despite some fundamental constants. (Wemple 1981, 189-197) sees a (negative) change in the gender order in the Carolingian period, which (Heene 1997) implicitly rejects.

⁸⁵ (Mort 1994, 124-125).

⁸⁶ (Robinson 2000, 10): 'Announcements of crisis, both direct and indirect, are *performative*, in the sense that naming a situation as a crisis puts into play a set of discursive conventions and tropes that condition the meanings that event will have.'

⁸⁷ (Robinson 2000, 10): 'the reality of a particular crisis depends less on hard evidence of actual social trauma or do-or-die decision-making than on the power of language, of metaphors and images, to convincingly represent that sense of trauma and turning point.'

Europe texts claimed either that a crisis in masculinity existed,⁸⁸ or that current models of masculinity had to be rejected in favour of new ones.⁸⁹ The most productive approach for examining the existence of any ‘crisis of masculinity’ in the Carolingian period therefore seems to me to look for the existence of similar rhetoric.

Morality, masculinity and nobility

Many aspects of culture have been used to approach a society’s understanding of masculinity and the gender order.⁹⁰ My study focuses on ideas of appropriate male behaviour as reflected in moral norms. Such an approach appears useful since in many cultures, including early medieval Francia, masculinity (and also nobility) are at least partly ethical categories.⁹¹ Although masculinity is a relatively modern term,⁹² terms such as ‘virilis’ or ‘manly’ combine both objective descriptions and subjective valuations.⁹³ Similarly, the long tradition of ‘nobility’ as meaning both social status and also a positive moral characteristic is shown by the multiple meanings of such words as ‘noblis’ and ‘edel.’ In addition, since noblemen had to ‘perform’ their masculinity and nobility (at least to some extent) in order to ensure it, a study of how they were expected to behave provides an obvious way to explore the meaning of ‘masculinity’ and ‘nobility’.

My aim to use Carolingian moral ideals as a lens on masculinity and nobility has meant that I have ignored metaethics and general moral principles in favour of practical ethics and specific moral norms, which can be compared more easily across a range of genres. Unlike many studies of historical morality, I have focused on a

⁸⁸ See e.g. (Barton 1994; Leyser 1995).

⁸⁹ See e.g. (Kuefler 2001); Bernard of Clairvaux, *De laude novae militiae*.

⁹⁰ See e.g. (Cadden 1993; Osborne 1998; Carter 2000).

⁹¹ The very differing ethical contents that masculinity could have in particular societies are shown in e.g. (Mangan and Walvin 1987; Gleason 1995; Kuefler 2001).

⁹² Oxford English Dictionary, 2nd ed., s.v. ‘masculinity’ quotes examples from the 1860s onwards (and one from 1748), although ‘masculine’ had been used for male from the fourteenth century. Unlike some scholars, e.g. (Kuefler 2001, 5), I have chosen to use the term ‘masculinity’ rather than ‘manliness’, since the latter term has so many extraneous Victorian connotations for British readers.

⁹³ (Deslauriers 2003, 192-202): Aristotle thought that neither women nor slaves could properly possess *andreia* (manly courage), because of their defective reason.

relatively short time period and three very broad moral areas: attitudes towards warfare, the use of power and sexual behaviour. This ‘horizontal’ rather than ‘vertical’ view of morality provides an insight into one key question: which of the many possible ethical issues arouse particular concern and, equally significantly, which do not?

The three areas I have chosen do not exhaust the moral issues for laymen that Frankish sources discuss. Other moral issues, such as the consumption of food and drink, are also potentially useful for analysing nobility and masculinity.⁹⁴ Nevertheless, the moral areas chosen seem *a priori* likely to offer specific insights into Carolingian concepts of nobility and masculinity.⁹⁵ Warfare, as an almost exclusively male activity, is an important starting point for examining masculine identities and is particularly significant as a way of differentiating between male social groups. At least in theory, laymen fought while clerics did not, while noblemen seem to have had a particularly significant role within Frankish armies.⁹⁶ The morality of power is useful to study since noblemen also had privileged access to certain forms of power, with an almost axiomatic equation of the ‘powerful’, the ‘noble’ and the ‘rich’.⁹⁷ The power relationships of elite laymen were with both men and women, allowing an important relational view of masculinity. The moral norms of holding power also give a sense of the interaction of concepts of masculinity and nobility, and their relative significance. To what extent, for example, was it morally acceptable for social status to override the normal gender hierarchy?⁹⁸ Finally, I look at the most morally charged relationship between men and women: sexual and marital behaviour.

⁹⁴ The issue is touched on briefly in Chapter 3, section 9.

⁹⁵ There are some modern parallels. (Tosh 1994, 184): ‘in modern Western societies the public demonstration of masculinity occurs in three linked arenas - home, work and all-male associations.’ My study discusses what might be described as ‘home’ issues in the sections on sexual behaviour and household power relations. The ‘work’ of early medieval lay noblemen could reasonably be summarised as the exercise of power and participation in warfare. The host and associated assemblies, moreover, were probably the most significant all-male associations for lay nobles.

⁹⁶ See Chapter 2, section 1.

⁹⁷ See Chapter 3, section 1.

⁹⁸ This may help address an issue raised by (Tosh 1994, 190): the ‘well-documented diversity raises the...problem that masculinity may be merely a second-order feature, contingent on other social identities.’

While some scholars have worried about studies of masculinity focusing too much on sexuality,⁹⁹ sexual behaviour is obviously a key area for exploring gendered moral norms.

The validity of norms

The historical study of moral issues faces particular problems in addressing the relationships between texts and reality. There are serious problems in assessing adherence to moral norms even in contemporary society.¹⁰⁰ The scantier material for earlier periods makes this more problematic. Alan Bray, for example, showed the problems in using court records to determine the incidence of homosexual activity in sixteenth century England.¹⁰¹ Carolingian texts provide only anecdotal evidence of a few specific moral offences,¹⁰² and general comments from moralists that ‘some’, ‘many’ or ‘very many’ people are committing particular sins. It therefore seems to me almost impossible to gain any accurate sense of the extent of adherence to any particular law or moral norm.

This study thus deliberately focuses not on practices, but norms: what people thought ought to happen, regardless of whether it did. The problem remains, however, of whether moral texts represent generally accepted views, as opposed to idiosyncratic opinions.¹⁰³ Another issue is the official promulgation of norms whose breach is actually sanctioned.¹⁰⁴ Historians have often claimed that Carolingian clerics and rulers imposed new moral norms on the laity.¹⁰⁵ Such attempts have often been seen as unsuccessful.¹⁰⁶

⁹⁹ (Berry 2001, 283). Cf. (Fox 1998, 7-10).

¹⁰⁰ See e.g. recent arguments on crime statistics ((Bright 2004)).

¹⁰¹ (Bray 1982, 38-42, 70-75).

¹⁰² The inclusion of anecdotes of misbehaviour in texts may suggest they were seen as representative, but conversely, they may be included precisely because they are atypical and therefore noteworthy.

¹⁰³ See e.g. (Davidson 1997, xxii-xxiv).

¹⁰⁴ (Walby 1990, 140-149), for example, argues that, despite the modern patriarchal state prohibiting violence against women, it still accepts this, as shown by a reluctance to prosecute violent men, relatively low rates of conviction and light sentencing.

¹⁰⁵ See e.g. (Rouche 1992, 364): ‘Il s’agissait donc bien de miroirs du clergé qui projetaient...des portraits de rois clercs et de laïcs pieux qui ressemblaient beaucoup plus aux

These problems are part of the broad question of what Max Weber called the ‘validity’ of an ethical norm, the probability that action will be governed by it.¹⁰⁷ This is extremely difficult to gauge, particularly since adherence to a norm is only a partial measure of its validity. Weber says:

It is possible for action to be oriented to an order in other ways than through conformity with its prescriptions...it is very common for violation of an order to be confined to more or less numerous partial deviations from it, or for the attempt to be made, with varying degrees of good faith, to justify the deviation as legitimate.¹⁰⁸

Similarly, psychological experiments have suggested the widespread existence of ‘neutralisation’ techniques, rationalisations of socially deviant behaviour which allow acts contrary to a person’s own values.¹⁰⁹ For the early medieval periods, Warren Brown examined the use of norms (including law codes) in property disputes. Such norms were influential, but regarded less as authorities to be adhered to absolutely than as instruments in negotiations.¹¹⁰

In this thesis I have therefore adopted a number of criteria in judging the probable validity of a moral norm. I have given more weight to views held by a number of different moralists or which are expressed in several different genres of texts.¹¹¹ For this reason, the expression of collective moral views in capitularies or church counsels is particularly significant. I have also looked for evidence of the

auteurs qu’aux dédicataires.’; (Richter 1994, 141-142): ‘the critics [of ‘oral culture’] like Alcuin, Jonas or Agobard...cannot be taken as representative of Carolingian culture. There is enough to indicate that, generally speaking, they failed to impose the ethics they advocated.’

¹⁰⁶ See e.g. (Wemple 1981, 81): ‘These pleas [by Jonas and Hrabanus] for a more fundamental reform of sexual morality were generally unheeded.’; (Mordek 1986, 48): ‘ein königliches Sisypusbemühen um Korrektur, um Reform, dem den Umständen entsprechend ein dauerhafter Erfolg versagt bleiben mußte.’

¹⁰⁷ (Weber 1968, I: 31).

¹⁰⁸ (Weber 1968, I: 32).

¹⁰⁹ (Bersoff 1999).

¹¹⁰ (Brown 1999, 19-21) Their influence also seems to have depended on their being seen as ‘relevant or useful’ (p 39).

¹¹¹ I have not, however, attempted to look at the possible impact of specific texts in terms of the number of extant copies and their circulation, since I consider so many texts, the size of possible audiences is uncertain in a partly oral culture, and because many different moral texts are related and repeat themes.

deliberate choice of particular moral norms. Carolingian moralists did not copy earlier material blindly, but made discriminating use of their sources; some patristic viewpoints have far more impact than others.¹¹² Indeed the re-use of sources actually allows more analysis of the key issue of moral priorities. It becomes possible to use arguments from silence where specific Biblical passages exist (e.g. the simile of the camel and the eye of the needle)¹¹³ or with the works of particularly well-attested patristic authors, such as Augustine, Gregory the Great, and Jerome.

Another approach to analysing the validity of moral norms is examining the frequency of regulation by assemblies and councils on a particular topic.¹¹⁴ There are two conflicting positions, however, on how such repetition should be interpreted. Many scholars have assumed that repeated legislation on a particular issue in Carolingian texts shows how widespread the problem was and how ineffective such regulation,¹¹⁵ implying that the norm was not generally held as valid. Other historians, however, have pointed out that while legislation shows the existence of offences, it is no real guide to their frequency.¹¹⁶ The concept of a moral panic is significant here: a situation in which a particular group or behaviour is relatively suddenly defined by a wide section of a society as a threat to social values and provokes a disproportionately hostile reaction.¹¹⁷ In some Carolingian cases, repeated legislation may indicate the

¹¹² (Toubert 1977, 252-253) points out, for example, that Jerome's treatises against marriage were still copied in the ninth centuries, but not reused by Carolingian authors.

¹¹³ See Chapter 3, p 191.

¹¹⁴ This is complicated by the fact that, as (Siems 1992, 446) points out, repetition of legislation may be intended partly as a memory aid in a culture with low literacy levels.

¹¹⁵ See e.g. (Mollat 1986, 26): 'The frequency which with these decisions [of national church councils on social problems] repeat themselves shows the persistence of the problems with which they deal.'; (Boshof 1976, 339): 'gesetzgeberischen Maßnahmen [on alienation of church lands]..., deren Häufigkeit jedoch nur ihre Vergeblichkeit dokumentiert.'

¹¹⁶ (Hallgren 1977, 2-3).

¹¹⁷ (Goode and Ben-Yehuda 1994, 33-41) define the moral panic by five criteria: 1) a heightened level of concern over the behaviour of a particular group; 2) an increased level of hostility towards that group; 3) widespread consensus in a society or some section of it that a threat is real, substantial and caused by the wrongdoing group; 4) a disproportionate response to the behaviour, seeing it as carried out by far more individuals than is the case and causing or threatening far more damage than is realistically the case; 5) the volatility of the moral panic, which emerges and subsides relatively quickly.

existence of such moral panics.¹¹⁸ I have followed this view and seen repeated legislation as indicating the moral priorities of those involved in producing it. (Given how much capitulary and conciliar legislation survives, arguments from silence are again valid). I have not, however, assumed that such repetition implies the widespread existence of opposition to these norms, unless there is other evidence of this, for example in competing discourses.

Using evidence of enforcement or lack of it to assess the validity of moral norms is also problematic. The very few specific cases known in Carolingian times (and our incomplete knowledge of them) make generalisations and arguments from silence tricky.¹¹⁹ Similarly, it is possible that some capitularies used an assumed standard fine for an offence in cases where this is not stated.¹²⁰

Enforcement and legislation are also not necessarily connected. Weber argues that the social punishments for breach of a convention may actually be more severe and at least as effective as any legal coercion.¹²¹ Legislation in both medieval and modern times does not always have enforcement as its primary goal. As James Brundage says of late medieval Italy:

Medieval sumptuary legislation, like these modern laws [on sex and gambling], sought at least as much to affirm values as to modify behavior. Sumptuary laws, like sex and gambling laws, proclaim our collective devotion to moral behavior by defining immoral behavior as a crime. It need not follow as a consequence, however, that we will therefore change our habits and forego our pleasures by enforcing these bans vigorously. Sumptuary laws allowed urban authorities to visit exemplary punishment from time to time on blatant transgressions of communal morality.¹²²

¹¹⁸ The problem for the Middle Ages is assessing whether the response was disproportionate to the problem or not. In some cases, however, such as concerns over 'sodomy' (see Chapter 4, section 8), the clustering of references at particular times combined with few mentions of specific culprits do strongly suggest a moral panic.

¹¹⁹ See e.g. (Wemple 1981, 86): 'in 851 Count Eberhard of Alsace was reported to have repudiated his wife Addalinda and married a nun whom he had abducted from the Convent of Erstein. There is no record of a protest either by church or state officials.' Wemple's source is the *Vita S. Deicoli* c 12-13, a tenth-century text whose concern is to show Eberhard punished by God, not man.

¹²⁰ (Siems 1992, 752-753) thinks this may be the case for usury prohibitions, since specific fines are mentioned for some lesser offences.

¹²¹ (Weber 1968, I: 34, 320).

¹²² (Brundage 1987b, 353).

It is also important to note that even such symbolic legislation can have a major (if invisible) impact on actual behaviour.¹²³ Given such problems with the interpretation of enforcement, I have tried to limit the conclusions I draw from the evidence.

However, I have seen as significant those cases where there does seem to be particular state or church concern (however ineffective) to enforce a norm, such as by exemplary punishments or demands for the active seeking out of offenders.

Finally, in the attempt to analyse the validity of any moral norm, the discourse surrounding the norm is significant. To what extent are justifications other than the purely religious given for particular norms? What assumptions about society underlie a moral demand? In particular, it is sometimes possible to see the existence of opposing discourses, which go beyond a simple lack of adherence to a norm to offer ideological opposition to it or approval for those transgressing it. Such different viewpoints are certainly visible on some moral topics in the period, and suggest a more limited acceptance of moral norms in some areas.¹²⁴

1.3 FRAMEWORK AND ASSUMPTIONS

Christianity

This study does not look at norms provided for Jewish or Muslim men within the Carolingian empire: all the moralists assume their audiences adhere to (Catholic) Christianity. Early medieval philosophy says nothing independently of theology about issues of ethics until Abelard's work¹²⁵ Some classical philosophy (in particular Stoic thought), had a considerable influence on patristic ethics.¹²⁶ However Carolingian moral texts only occasionally directly cite classical sources or exempla.¹²⁷

¹²³ The most notable modern case of this is probably Section 28 of the Local Government Act 1988, which was never directly used, but had a major impact both on the gay community and the discussion of sexual issues in schools ((Section 28 and the revival of gay, lesbian and queer politics in Britain. Seminar held 24 November 1999 2002)).

¹²⁴ See e.g. Chapter 4, section 5 (on marital sex). I do not, however, assume that statements of a moral position in Carolingian texts automatically presuppose the existence of contrary viewpoints: moralists also apparently felt the need to state the blindingly obvious.

¹²⁵ (Marenbon 1988, 157).

¹²⁶ See e.g. (Mähl 1969; Brown 1988, 128-137).

¹²⁷ See e.g. LM 7-1; LRC 6, 8, 9, 14, 17.

Modern discussions of moral norms in the early medieval period often contrast ‘Christianity’ with ‘paganism’; a relatively simple division between two world views.¹²⁸ Yet this distinction is problematic for Francia in 750-900.¹²⁹ The Carolingian empire was not a newly Christianised society, but one where the elite were attempting religious reform. Attitudes that do not seem at first sight to be ‘Christian’ in a modern sense should not necessarily be seen as ‘pagan’ or even ‘pre-Christian’. Even the concept of un-Christian behaviour, however, is problematic, due to the polyvalence of Christianity. Christian ethical teaching was already developing new aspects in the later first century.¹³⁰ The Christianisation of the Roman empire had further impacts: Salzman has shown how late antique bishops shaped the rhetoric of Christianity to appeal to the status-consciousness of western aristocrats.¹³¹ I have therefore tried in each chapter to outline the range of (Western) Christian attitudes that Carolingian moralists could draw on.

Lay nobility

Since this thesis concerns itself with noble laymen, identifying this social group is important. Yet the term ‘nobility’ itself is problematic. Questions about the existence of a ‘nobility’ in the early Middle Ages, as well as the origins and privileges of the ruling classes, have long preoccupied scholars.¹³²

A ruling group clearly existed in Carolingian society: its members came from a variety of ethnic backgrounds and combined wealth with high secular and clerical office.¹³³ A variety of terms existed for such men in the sources,¹³⁴ which also refer to

¹²⁸ See e.g. (Cherniss 1972; Wormald 1978).

¹²⁹ (Smith 2003b, 211): ‘Throughout the Carolingian empire...the task was not conversion, in the sense of the baptism of pagans, but rather the upgrading of Christian observance, the elimination of inappropriate customs, and the substitution of authorized forms of devotion and morality.’ (Markus 2001): the terminology used by early medieval authors about pagans is often very imprecise.

¹³⁰ (Preston 1991, 94-103).

¹³¹ (Salzman 2000).

¹³² (Reuter 1997) gives a good introduction.

¹³³ (Fouracre 2000).

¹³⁴ (Martindale 1977, 13-14; Nelson 2000, 47). Cf. (Heinzelmann 1997, 248-250) on a similarly wide range of terms in Merovingian sources.

nobiles, both individually and as a group. This term, however, is not used in Salic law, (unlike some other barbarian codes), implying that *nobiles* did not have a separate legal status, at least in the Frankish heartlands.¹³⁵ The interpretation of the sources has been controversial: terms may be used differently in legal and narrative texts,¹³⁶ and historians have interpreted some key texts in very different ways.¹³⁷ As a result, the precise relation between the ruling group and the *nobiles* is difficult to ascertain. Some historians have seen *nobilis* as meaning little more than ‘free status’; others have seen the *nobiles* as akin to a caste, monopolising positions of power.¹³⁸

There seems little evidence in the Carolingian period for a nobility of service in the strict Roman sense,¹³⁹ in which holding certain offices made a man and his descendants *nobilis*.¹⁴⁰ A few ‘new men’ are visible in high clerical office,¹⁴¹ but they are not described as ‘becoming’ noble, as a *Dienstadel* would imply.¹⁴² The frequent references to men and women as being *nobilis* or *nobilissimus* by birth suggest a status that was at least partly inherited,¹⁴³ although probably not yet by fixed rules.¹⁴⁴

¹³⁵ (Schulze 1978, 371-372). The position is complicated by the fact that some Carolingian capitularies nevertheless refer to the *nobiles* as a socially separate group ((Nelson 2000, 45-)) and also that some Merovingian addition to *Lex Salica* show legally distinct groups of superior social status, not however called *nobiles* ((Zotz 1977, 6-7)).

¹³⁶ (Zotz 1977, 13).

¹³⁷ (Reuter 1997, 180-181).

¹³⁸ (Reuter 1978, 4-5).

¹³⁹ (Gelzer 1969, 27-39).

¹⁴⁰ (Werner 1998, 185-186) argues for this, but although he shows the continuity of (some) late antique terminology, he does not address the problem of possible underlying changes in institutions. Since texts can refer to the ‘senatus Francorum’ (e.g. *Notitia de servitio monasteriorum* 817 (Cap. I no 171 p 350)), it seems to me dubious for Werner to assume (e.g. pp. 210-225) that terms like *vir inluster* and *cingulum militiae* have a single consistent meaning from the late Roman period through to the ninth century and beyond.

¹⁴¹ (Airlie 1985, 27-32).

¹⁴² The famous comment of Thegan 44 to Ebbo that ‘Fecit [Louis] te liberum, non nobilem, quod impossibile est.’ is also an argument against the existence of a ‘service nobility’. In such a system, Ebbo as a high office-holder, would be *nobilis* in one sense, and Thegan would have had to contrast different kinds of ‘nobility’, in order to show Ebbo’s unworthiness.

¹⁴³ (Le Jan 1995, 32-33).

¹⁴⁴ (Le Jan 1995, 225-231).

Nobility was seen as a property of families rather than individuals,¹⁴⁵ and references to an individual's noble ancestry do not necessarily emphasise a strictly defined descent from a particular office-holder.¹⁴⁶ Wealth alone seemingly did not create 'nobility'.¹⁴⁷

High birth does, however, seem to have been important for becoming part of the ruling group. There is no evidence of any high secular office being held by those of humble background. Nevertheless, being *nobilis* did not guarantee access to office.¹⁴⁸ Nor were Carolingian *nobiles* a homogeneous group. Werner showed that the *Reichsaristokratie* of Charlemagne's reign included men with a variety of Roman, Merovingian and other Frankish ancestry.¹⁴⁹ Recent studies of particular regions, meanwhile, show families with comparatively little land and power who are nevertheless called *nobiles*.¹⁵⁰ Deeds show that some relatives of important nobles (who thus may well themselves have been noble) feared that their descendants might suffer social decline and lose even their freedom.¹⁵¹

This has led to the concept of 'levels' of the nobility.¹⁵² Yet though such differences in power between *nobiles* undoubtedly existed, divisions between different 'levels' were probably blurred: even within the families commonly held to comprise the *Reichsaristokratie*, there were different levels of power and status.¹⁵³

¹⁴⁵ (Le Jan 1995, 34).

¹⁴⁶ (Le Jan 1995, 38-45).

¹⁴⁷ (Genicot 1968, 91; Irsigler 1978, 105).

¹⁴⁸ See Chapter 3, section 7.

¹⁴⁹ (Werner 1978). The *Reichsaristokratie* is itself a somewhat contentious notion. For example, although some authors see the existence of a privileged group 'predestined' for office (see e.g. (Werner 1978, 178)), other scholars have been justifiably far more sceptical about whether there was such a closed group (see e.g. (Fleckenstein 1981, 74-76; Airlie 1985, 25-38, 52-56)).

¹⁵⁰ (Innes 2000, 82-85). (Hammer 1997, 71-72) claims that in Bavarian deeds 'the term "noble" (*nobilis*) often appears to be used only as a synonym for "freeman".'

¹⁵¹ (Hartung 1988, 433-434).

¹⁵² (Werner 1978, 180).

¹⁵³ (Airlie 1985, 52).

Nor were differences in power static: Charles the Bald seems deliberately to have built up a small group of particularly privileged magnates in the 870s.¹⁵⁴

Where this leaves the idea of the Carolingian nobility depends largely on how such a nobility is defined. Timothy Reuter, following much German scholarship, wanted to distinguish a noble, with a legally defined status, from an aristocrat who ‘exercises power as a result of being well-born in a socially rather than legally defined sense’.¹⁵⁵ This leaves the problems of what counts as exercising power and of those people whom the sources call *nobilis* but who probably did not wield power, like women, monks and children. Donald Bullough’s argument that *nobilis* is often best translated as either ‘well-born’ or ‘the leading men of a place or region’ seems to me have considerable merit.¹⁵⁶ Nevertheless, in this thesis I will use the terminology of nobility and nobles, since it seems to me to be the best way of reflecting the ethical sense potentially inherent in the term *nobilis*.

I have deliberately chosen to take a fairly minimalist view of nobility, counting as nobles only those men who are either referred to as ‘nobilis’ in the sources, who hold relatively high secular offices (most frequently count), or who are closely related to such men. I have not included men as ‘noble’ because they appear to be following a ‘noble’ lifestyle (as marked by e.g. participation in warfare, possession of particular material culture), since such an argument risks circularity.¹⁵⁷ I have also, wherever possible, avoided using examples of royal behaviour to illustrate lay attitudes or practices.¹⁵⁸ Though kings and princes have often been used as examples

¹⁵⁴ (Airlie 1985, 238).

¹⁵⁵ (Reuter 1997, 179). Reuter admits, however, that a distinction between an aristocracy and a nobility is difficult to sustain in practice in the early Middle Ages.

¹⁵⁶ (Bullough 1970, 76).

¹⁵⁷ (Schulze 1978, 368-369) shows the problems that some prosopographical works cause by their assumptions that all those are who connected in deeds, confraternity books etc. are therefore of the same (noble) social status.

¹⁵⁸ I take ‘royal’ here to mean the Carolingian rulers and their (legitimate) sons: all those either ruling or prospectively going to rule. I have thus included among non-royal laymen those with more distant relations to the Carolingian *stirps* e.g. Wala and Nithard. The one exception to this exclusion of royalty is Walter in *Waltharius*. Although he is a king’s son, during the main part of the poem he does not occupy that social position, nor has he been educated to rule.

in studies of lay mentalities and culture,¹⁵⁹ there are several indications that they are seen as morally distinct from other laymen. Mirrors for princes, for example, differ in a number of ways from mirrors for laity.¹⁶⁰ Carolingian moralists also seem to have had a particular concern to instruct royal men. Alcuin's letters, for example, often include the gratuitous sending of unrequested advice to kings, while he sent many fewer such letters to lay nobles.¹⁶¹

Identifying laymen, as opposed to clerics, is relatively straightforward compared to the problems raised by nobles. The main way of separating the elite is via offices held: lay abbots pose some problems, but Franz Felten's work has proved valuable here.¹⁶² Where there is no mention of a man's office I have been forced to rely on more subjective factors such as 'lifestyle', specifically marriage and participation in battle, as indicators of lay status.¹⁶³ A few uncertain cases remain,¹⁶⁴ but these have not had a major impact on my work.

1.4 SOURCES

My chronological and geographical limits for the thesis are the Carolingian empire in the period c. 750-900. I have deliberately avoided assuming that moral norms were common across the 'Germanic' world. Nor have I used material from the Lombard and Bavarian regions before their conquests in 774 and 788 and I have made only limited use of papal material. For reasons both of time and linguistic limitations I

¹⁵⁹ See e.g. (Riché 1976; McKitterick 1989, chapter 6).

¹⁶⁰ Compare in particular Jonas' approach in DIL and DIR.

¹⁶¹ In only three of Alcuin's eight letters to lay nobles is he sending them an admonishing letter 'out of the blue': Epistolae 69 (unknown *dux* and his wife), 122 (Brorda? (see (Bullough 1993, 115-117)), 302 (Arbert) (Epp. 4 pp. 112-113, 178-180, 460-461). In contrast, most of his letters to kings, other than those to Charlemagne, were of this type, see e.g. Epistolae 16, 18, 29-30, 61, 108-109, 123, 188, 217 (Epp. 4 pp. 42-44, 49-52, 71-72, 104-105, 155-156, 180-181, 315-316, 360-361). This tradition of gratuitous advice giving to kings is continued by, among others, Lupus's letters to Charles the Bald (Epistolae 31, 37, 46, (I:140-147, 160-165, 192-197)).

¹⁶² (Felten 1974; Felten 1980).

¹⁶³ See Chapter 2, p 41.

¹⁶⁴ See e.g. for Charles the Bald's close followers: (Nelson 1985, 290-291).

have used only Latin sources, not vernacular material.¹⁶⁵ I have, however, included a few sources from slightly outside this period. I have used Boniface's letters and the conciliar legislation of Carloman and Pippin III since they form the starting point for Carolingian attempts at religious reform. Regino's *Chronicon* (completed in 908) is particularly illuminating on ideas of heroism. I have made frequent references to the *Vita Geraldi*, one of the earliest hagiographies of a non-royal layman. Although this was not composed until about 930,¹⁶⁶ its author, Odo of Cluny drew on eyewitness accounts of Gerald's life (c. 855-909).¹⁶⁷

I have also used the epic poem *Waltharius*, whose dating is still controversial. Although it was once thought that Ekkehard I of St Gall wrote this in around 930, the evidence for this has been seriously undermined.¹⁶⁸ Similarly, the prologue, in which an unknown Gerald addresses bishop Erkanbald is probably a later addition.¹⁶⁹ External evidence for *Waltharius*, such as palaeography, dates its composition between 780 and the third quarter of the tenth century.¹⁷⁰ Attempts to date the poem more closely have been based on its style, literary allusions, name forms used and the historical situations that seem to be reflected in it.¹⁷¹ These factors are almost

¹⁶⁵ There is a wide range of work studying the moral ideas of such literature: see e.g. (Murphy 1989; Murdoch 1996).

¹⁶⁶ (Airlie 1992, 372).

¹⁶⁷ VG Preface: 'Tunc vero accitis quatuor ex his, quos ipse nutrierat, Hugone videlicet monacho, Hildeberto sacerdote, Wilardo quoque, et alio Hildeberto nobilibus laicis, sed et aliis quampluribus, de moribus et qualitate vitae ejus hactenus disquisivimus.'

¹⁶⁸ See (Dronke 1984b).

¹⁶⁹ (Berschin 1986).

¹⁷⁰ (Klopsch 1997, col. 636).

¹⁷¹ Discussions of these aspects include:

Style and literary allusions: (Önnerfors 1979; Langosch 1983; Schaller 1983).

Name forms: summary in (von den Steinen 1952/53, 35-36).

Historical situation: (von den Steinen 1952/53, 40-44; Langosch 1973, 73-76).

The most significant of the historical arguments (the only ones I feel competent to judge), seems to me the poem's view of the Huns, whom it identifies with the Avars; its attitude to them fits better with a ninth century date than the 920s: (von den Steinen 1952/53, 40; Schütte 1986, 72-73). In contrast, the argument that a portrayal of a Frankish king as unflattering as that of Gunther cannot come from the time of Charlemagne (see e.g. (von den Steinen 1952/53, 43-44; Wolf 1976, 200-205) ignores early ninth century portrayals of the Merovingians. Gunther seems the epitome of the 'rex inutilis', who cannot fulfil the claims he makes.

inevitably inconclusive, although a ninth century date is now more commonly accepted, and seems more likely to me. Although most scholars have assumed a monastic audience for the poem, its contents seem to fit far better with a court audience.¹⁷² The moral intent of the poem's author has also been debated. Kratz¹⁷³ (and a few earlier authors¹⁷⁴) see the poem as a parody, although possibly one with a serious purpose, but this is unconvincing. In particular, the argument that the presumed monastic author was satirising a 'Germanic warrior-ethos'¹⁷⁵ ignores the parallels with Carolingian war poetry written by other religious authors, such as Sedulius Scottus, Ermoldus Nigellus and Abbo of St Germain-de-Pres.¹⁷⁶ The morality of *Waltharius*, taken at face value, is firmly within the mainstream of Carolingian thought, and I have used it as such.

Carolingian authors produced a wide range of texts with a moral purpose. Anton's work on the ruler ethic used examples from letters, poetry, conciliar acts and mirrors for princes, while Heene's survey of 'edifying literature' focused on hagiography, moral tracts, sermons and homilies.¹⁷⁷ Yet the category of moral texts is even wider: few Carolingian authors seem to have written without a moral purpose. In order to make my task manageable, I have therefore concentrated on genres and individual texts which seem to presume lay nobles as an audience or which particularly affect their way of life. The question of audience is a difficult one, but useful indicators are available, such as texts dedicated to laypeople, lists of books particular noblemen owned,¹⁷⁸ the genres that laypeople themselves wrote in,¹⁷⁹ and the subjects of particular texts. The following sections discuss briefly the main genres

¹⁷² (Dronke 1977, 69-70; McKitterick 1989, 228-229).

¹⁷³ (Kratz 1980, chapter 2).

¹⁷⁴ (Parkes 1974; Bate 1978, 6-8, 66).

¹⁷⁵ (Parkes 1974, 459-460; Kratz 1980, 39-59).

¹⁷⁶ See Chapter 2, section 3.

¹⁷⁷ (Anton 1968; Heene 1997, 11-14).

¹⁷⁸ (Riché 1963).

¹⁷⁹ There are four known laypeople who wrote texts (other than documents and letters) in the period: Einhard, Nithard, Angelbert and Dhuoda.

used. Such genre boundaries were not, however, tightly fixed or mutually exclusive,¹⁸⁰ and some types of writing, such as political polemic, were produced in a variety of literary forms.¹⁸¹

Lay mirrors

A number of Carolingian texts were written to provide moral instruction for particular social groups.¹⁸² Among these are the so-called 'lay mirrors', moral tracts specifically addressed to laymen. There are four main lay mirrors dating from the late eighth and early ninth century: Paulinus of Aquileia's *Liber exhortationis* (written for Eric of Friuli about 795),¹⁸³ Alcuin's *De virtutibus et vitiis* (written for Guy, count of the Breton march in 799/800),¹⁸⁴ Jonas of Orléans' *De institutione laicali* (written for Matfrid of Orléans in the 820s),¹⁸⁵ and Dhuoda's *Liber manualis* (written for her son William in 841).¹⁸⁶ I have also made some use of Hincmar's *De cavendis vitiis et virtutibus exercendis*, which, although addressed to Charles the Bald, discusses general moral behaviour, rather than demands specific to rulers.¹⁸⁷

Most of these works seem to have been written at the express request of the laymen receiving them.¹⁸⁸ Their form is often that of *florilegia*, bringing together extracts from the Bible and patristic writers into a more or less developed authorial

¹⁸⁰ (Fuhrmann 1980, 277) describes Theodulf's *Paraenesis ad iudices* as 'nicht so sehr als ,Dichtung' oder ,Literatur' wie als Publizistik'.

¹⁸¹ (Innes and McKitterick 1994, 203).

¹⁸² (Toubert 1977, 237-240).

¹⁸³ See (Anton 1968, 83-84; De Nicola 1988).

¹⁸⁴ See (Wallach 1955; Anton 1968, 84-86).

¹⁸⁵ See (Anton 1968, 212-213). (Schröder 1988) sees Jonas as writing two versions of the text.

¹⁸⁶ See (Riché 1975; Dronke 1984a; Stofferahn 1998).

¹⁸⁷ See (Devisse 1975-76, 680-687). In keeping with my wish to try and separate lay noblemen from kings in this discussion (see above pp. 27-28), I have made little use of the main 'mirrors for princes'. These have also already been discussed in detail: see particularly (Anton 1968; Staubach 1993, 105-197).

¹⁸⁸ (Rouche 1992, 350-361) claims that most of the mirrors were written at the initiative of the author rather than the recipient, but he does not distinguish between lay mirrors and mirrors for princes and his interpretations of dedicatory letters often seem implausible.

framework. Yet as Toubert points out, there was no typical structure and the contents were often subtly adapted for their recipient; he stresses ‘leur force et leur originalité.’¹⁸⁹

History and biography

Although there was a long Frankish tradition of history, one study of Carolingian texts sees these as amounting to ‘an historical revolution in both the range and quantity of historical writing produced’.¹⁹⁰ New kinds of writing developed, such as secular biography and annals, drawing on both classical and Christian historiographical traditions.¹⁹¹ The Carolingian court appears to have taken an active role in producing annals and contemporary history, which found a widespread audience.¹⁹² I have made extensive use of these works, since historical writing was seen as having an important moral and educative function.¹⁹³ Polemical works were often intended to justify the actions of particular political groups,¹⁹⁴ and thus wished to demonstrate their moral correctness. Lay nobles played an important role as part of the ‘textual communities’ created by historical writing, both as members of ecclesiastical *familiae*,¹⁹⁵ and also as part of the ruling elite.¹⁹⁶ Several laymen are also shown as specific sources of information for authors of historical texts,¹⁹⁷ while the laymen Einhard and Nithard both wrote historical works.

¹⁸⁹ (Toubert 1977, 244).

¹⁹⁰ (Innes and McKitterick 1994, 193).

¹⁹¹ (Innes and McKitterick 1994, 216).

¹⁹² (Innes and McKitterick 1994, 211).

¹⁹³ (Ganz 1989, 182-183; Innes and McKitterick 1994, 212-213).

¹⁹⁴ (Nelson 1985, 256-267; Innes and McKitterick 1994, 203).

¹⁹⁵ (Innes and McKitterick 1994, 201-202).

¹⁹⁶ (McKitterick 2000, 167-173).

¹⁹⁷ See e.g. Notker 2-1 (Adalbert); Astronomer, Prologue (Ademar).

Poetry

My study also draws heavily on Carolingian poetry, particularly in discussions on warfare. (Although much more scholarly attention has been paid to vernacular poetry on warfare,¹⁹⁸ there is actually more surviving Carolingian Latin poetry than Old English on the subject).¹⁹⁹ The reign of Charlemagne witnessed a revival of Latin poetry in Francia, which continued into the late ninth century and beyond.²⁰⁰ Poets from the late eighth century seem to have been able to promote poetry (or at least panegyric poetry) as a 'prestige commodity.'²⁰¹ A wide variety of genres were used, including verse epistles, eclogue, lyric and narrative verse. While most of the poetry was religious, secular epic re-emerged.²⁰²

A small number of these poems were addressed to laymen,²⁰³ a few were written by the laity, and there are also several epitaphs of lay nobles,²⁰⁴ which would probably have found a lay audience. A number of other Carolingian poems probably included lay nobles in their audience, judging from their content and in some cases the language.²⁰⁵

¹⁹⁸ See e.g. (Yeandle 1989; Hill 2000).

¹⁹⁹ The surviving Old English corpus consists mainly of *Beowulf* (c 3200 lines), *The Battle of Maldon* (c 350 lines) and a few other short pieces such as *Widsmith*, *Waldere* and *The Fight at Finnsburg*. Carolingian poetry on warfare includes the first two books of Abbo's *Bella Parisiaca urbis* (c 1300 lines), Books 1 and 3 of Ermoldus Nigellus' *In honorem Hludovicii Pii* (c 1300 lines), *Waltharius* (c 1500 lines), as well as a number of shorter poems (including several by Sedulius Scottus, *De Conversione Saxonum Carmen*, the *rhythmus* on King Pippin's victory over the Avars and Angelbert's lament on Fontenoy).

²⁰⁰ (Godman 1985; Garrison 1994).

²⁰¹ (Garrison 1994, 129).

²⁰² (Garrison 1994, 114).

²⁰³ See e.g. Gosberti carmen Acrostichum; Sedulius, Carmina II, 37-39, 53; III, 8 (Poet. III, pp. 201-203, 212, 237).

²⁰⁴ See e.g. Poet. I, pp. 109-110 (Egghard), 114 (Gerold); Poet. II, pp. 237-238 (Einhard, Guntham and Ottruda); Poet. III, pp. 310-311 (Nithard); Poet. IV, pp. 137 (Henry), 1029-1030 (Theoderic and Eccard).

²⁰⁵ (Schaller 1971; McKitterick 1989, 227-232; Garrison 1994, 123-136). For example, Abbo dedicated *Bella Parisiaca urbis* to Bishop Gozlin of Paris (Abbo, Dedicatory letter c 3), but one of his aims was also to leave an example to those who might have to defend cities in the future (Dedicatory letter c 2).

Regulatory texts

From 750 onwards, Frankish rulers were anxious to hold regular assemblies and church councils and many texts from these have been preserved.²⁰⁶ Carolingian secular and ecclesiastical legislation is therefore a particularly useful source for analysing early medieval social and moral norms.²⁰⁷ I have made some limited use of Salic law, but I have used little material from other barbarian *leges*, since it is dangerous to generalise from texts from widely different eras and social and legal backgrounds.²⁰⁸ Even *Lex Salica* is a problematic text for examining specifically Carolingian attitudes.²⁰⁹ Far more useful as a witness to specifically Carolingian concerns are the texts known collectively as ‘capitularies’. These may be defined broadly as the decrees and orders of Frankish rulers covering all areas of their rule and administration.²¹⁰ Scholarly debate has been intense on such topics as the capitularies’ legal status, effectiveness and distribution.²¹¹ Two issues are significant for this thesis. One is whether the capitularies were simply ‘programmatic’, ideological statements by kings. The importance of the ideological and moral component of capitularies is clear from their content. As McKitterick puts it:

‘In the royal capitularies and ecclesiastical conciliar decrees the aims and programme for the development of Frankish society as a Christian society were outlined, and the specific obligations of clergy and people defined.’²¹²

However, arguments that the capitularies were purely an ideological device of rulers, with no legal impact, are unconvincing. There was, for example, no officially promulgated corpus.²¹³ While many capitularies show a strong ‘programmatic’ focus,

²⁰⁶ (Hartmann 1989, 2) gives statistics for the number of synods in Carolingian Francia and other early medieval societies.

²⁰⁷ See e.g. (Hallgren 1977; Siems 1992).

²⁰⁸ (Halsall 1995, 62). (Buchner 1953) gives basic details on legal sources.

²⁰⁹ (Wormald 1999, 45) refers to its ‘fossilization.’

²¹⁰ (Siems 1992, 431): ‘Den Kapitularien, den Erlassen und Anordnungen vor allem der Karolinger auf allen Gebieten ihrer Regierungs- und Verwaltungstätigkeit’ Attempts to categorise the texts more specifically have not been very successful (Wormald 1999, 50).

²¹¹ (Siems 1992, 431-448) provides a useful summary of the debates. See also (Mordek 1986).

²¹² (McKitterick 1977, 1).

²¹³ (Siems 1992, 441-444).

many include detailed prescriptions on specific topics, which are difficult to see as purely ideological expressions.²¹⁴

A second important issue is the relationship of the secular nobility to capitularies. The promulgation of capitularies certainly emphasised their consensual creation by both the ruler and the secular and clerical elite. This is regularly repeated in capitularies from the time of Charlemagne,²¹⁵ and seems more than nominal.²¹⁶ Initiatives seem to have come from several different parties and it is likely that some sections of capitularies are reflections of particular cases or short-term problems.²¹⁷ As a result of this, capitularies could be seen by contemporaries as belonging particularly to ‘omnes nobiles franci’.²¹⁸ I have therefore assumed that where capitulary texts express moral views, elite laymen as a whole at least nominally accepted them.

While conciliar canons are an important source for moral views in the period, they do not have laymen as their main audience, but the religious. Nevertheless, I have included them because of their impact on lay noblemen.²¹⁹ Capitularies often promulgated the canons of recent councils,²²⁰ while we are sometimes explicitly told that members of the lay elite participated in synods,²²¹ confirmed the canons,²²² or shared responsibility for publicising the decisions.²²³ The canons themselves made

²¹⁴ (Mordek 1986, 27).

²¹⁵ (Nelson 1983b, 219).

²¹⁶ (Nelson 1983b, 218; Mordek 1990, 443-444).

²¹⁷ (Nelson 1983b, 210-211, 217).

²¹⁸ (Nelson 1983b, 221-222).

²¹⁹ (Siems 1992, 748) sees a reciprocal influence of clerical and secular legislation on each other.

²²⁰ (Hartmann 1989, 9-10).

²²¹ (Hartmann 1989, 7) (Mainz 813).

²²² (Hartmann 1989, 10) (Tribur 892).

²²³ (Hartmann 1989, 29-30) (Quierzy 857). Owing to lack of time, I have been unable to look systematically at another channel by which conciliar decisions were spread to a wider audience: via the *capitula episcoporum*. (On these see (McKitterick 1977, chapter 2; Brommer 1985).

decisions on individual cases, often involving laymen,²²⁴ while their general provisions also covered a wide range of topics related to lay life.²²⁵ In particular, councils' efforts to regulate the sexual morality of laymen makes their inclusion essential.

Penitentials

Penitentials developed in sixth century Ireland and were associated with the rise of a new form of 'private' penance within the Church.²²⁶ The penitentials were 'personal handbooks of reference for the priest-confessor.'²²⁷ Their contents, alongside general advice for confessors and liturgical material, are descriptions of sins and tariffed penances. Although some Carolingian councils condemned their use, and ninth-century Frankish sources confirm what Payer calls 'an official ecclesiastical proscription in regard to the penitentials,'²²⁸ their continued usefulness to Carolingian clerics is clear.²²⁹ Some scholars have made extensive use of the penitentials as evidence for moral views in the early medieval period, especially on sexual behaviour.²³⁰ This use, however, has been controversial,²³¹ and penitentials are a problematic source for exploring lay moral instruction in the Carolingian period.

Firstly, it is not clear to what extent penitentials were used to educate the laity. It seems likely that instruction in what constituted sin formed part of confession, but Theodulf of Orleans specifically stated that laypeople should not be informed of all

²²⁴ (Hartmann 1989, 5).

²²⁵ (Hartmann 1989, 432-474) discusses the wide range of topics covered, from care of the poor and the social position of the Jews to marriage law and proprietary churches.

²²⁶ (Payer 1984, 7-8). (de Jong 1997, 864-865, 893-901) discusses the problematic concept of 'private' penance.

²²⁷ (Payer 1984, 9).

²²⁸ (Payer 1984, 59).

²²⁹ (Frantzen 1979).

²³⁰ See e.g. (Payer 1984; Meens 1995; Lutterbach 1999).

²³¹ (Boswell 1980, 182): 'Even when they were applied they reached a rather small audience and hardly constitute an index of medieval morality'; (Toubert 1977, 267), refers to 'petits livrets pénitentiels frustes et bizarres'.

the vices in a penitential, lest it give them new ideas.²³² Secondly, the texts seem to have been continually reused and reworked.²³³ While this shows the continued vitality of the texts, it means no text can be seen as authoritative. Instead, each text reflects the specific concerns of its (normally anonymous) author.²³⁴

Finally, it is difficult to derive ethical views from penitentials. Their terse style means that they rarely give either authorities or reasons for their decisions.²³⁵ As a result, scholars have had to try and deduce the underlying moral culture. One approach is by identifying what were considered offences and what were not. Although there are problems in identifying some offences,²³⁶ and there are penances for some acts where there is no moral intention involved,²³⁷ this is relatively straightforward. The significance of an act being omitted in the penitentials is more problematic. Some very serious crimes are not included, perhaps because they could not be atoned for.²³⁸ There is considerable variance between the coverage of penitentials, suggesting that some may be incomplete.²³⁹

Some scholars have also attempted to measure the relative seriousness of sins based on the penances given. However, there are considerable methodological problems in such attempts,²⁴⁰ and some scholars have rejected the method in total.²⁴¹ Others have tried to infer the frequency of offences or the seriousness of moral

²³² (Payer 1984, 7-8, 56; Meens 2001, 55). (Vogel 1978, 31): laymen and clerics other than bishops and priests were forbidden to have copies.

²³³ (Meens 2001, 60-64).

²³⁴ (Vogel 1978, 95): no author or editor can be safely attributed to any penitential before 830; (p 101): no central authority imposed a particular type of penitential on priests.

²³⁵ (Payer 1984, 53).

²³⁶ See e.g. (Payer 1984, 46-47) on masturbation.

²³⁷ (Meens 1995, 8-9).

²³⁸ (Vogel 1978, 111): there is no mention of cannibalism. (Meens 1998b, 348) claims penitentials never mention the case of incest between father and daughter, although (Payer 1984, 32) gives one example.

²³⁹ (Payer 1984, 26, Appendix A).

²⁴⁰ (Payer 1984, Appendix C).

²⁴¹ (Vogel 1978, 104): 'Il est illusoire d'essayer de classer les péchés par ordre d'importance en tenant compte des taxes dont ils sont affectés.'

concerns by the number of canons referring to a particular problem.²⁴² This approach, however, ignores both the method of compilation of the penitentials and their intended use. The repeated reworking of older penitentials meant that lists of offences tended to be cumulative, with traditional canons remaining to be adapted as necessary.²⁴³ Penitentials were also necessarily detailed to cover a wide range of eventualities;²⁴⁴ the large amount of material on sexual sins may simply reflect the complexities of sexual behaviour. Nor does the inclusion of an offence necessarily imply that it was frequently being committed: there may have been more need for guidance on the appropriate penance for rare offences.²⁴⁵

Payer summarises the importance of penitentials to modern scholars:

The relative completeness of their treatment of sexual behaviour, their wide geographical distribution, their temporal span of influence, and their contribution to later collections of ecclesiastical law make the penitentials key witnesses to the concerns of the early Middle Ages.²⁴⁶

Their specific usefulness for this thesis, however, is more limited. Given the problems in deducing morality from the penitentials, their official condemnation in the period, and the availability of many other more detailed sources, it seems unhelpful to privilege them as evidence. Although I draw on previous studies of penitentials, I have not therefore analysed them myself.

Other genres

A large number of letters survive from the eighth and ninth century, both in letter collections and as individual documents. The address formulae normally show the intended audience for such letters, although in some cases letters were kept as

²⁴² (Payer 1984, 52-53).

²⁴³ (Meens 2001, 60-62) on canons on pagan practices.

²⁴⁴ (Boswell 1980, 180).

²⁴⁵ Hrabanus, *Epistola* 41, (Epp. 5 pp. 479-480) replies to the queries of the priest Regimbod on the penances for, among others, the offender who struck his wife and killed her unborn twins, the man who has intercourse 'inrationabiliter' with a bitch or who 'cum vaccis sepius fornicatus est'. It seems unlikely that all these offences were common.

²⁴⁶ (Payer 1984, 5).

models of correspondence and so may have achieved a wider audience.²⁴⁷ I have therefore focused on letters either written by noble laymen or to them.

Dream texts, supposed accounts of visions and dreams recorded by their viewers or amanuenses, became a form of political writing in the ninth century. There are more than twenty of these extant, which Paul Dutton used to analyse what he calls ‘a more intense, almost nightmarish, reading of ninth-century history.’²⁴⁸ Although lay magnates do not seem to have patronised such texts,²⁴⁹ and they focus on kings and monks, some lay noblemen are depicted in the dreams in these texts.²⁵⁰ The ‘textual communities’ of such texts often focused on particular monasteries and cathedrals, but also included the royal court.²⁵¹ I have drawn particularly on the *Visio Wettini*, which was sent to Louis the Pious’ court and may have circulated there.²⁵²

I have made very little use of biblical exegesis, although a few laypeople are known to have read this.²⁵³ Nor have I drawn much on hagiographic texts, since their subjects are rarely laymen.²⁵⁴ The audience for hagiography in the Carolingian period also seems to have become increasingly the religious rather than the laity.²⁵⁵

Although work is now being done on the sermons of the Carolingian period,²⁵⁶ it has proved difficult to identify which texts were specifically intended for a lay

²⁴⁷ See e.g. (Dutton 1993, 283).

²⁴⁸ (Dutton 1994, 1).

²⁴⁹ (Dutton 1994, 254).

²⁵⁰ See (Dutton 1994, Index) (under ‘dreams: people in’).

²⁵¹ (Dutton 1994, 74-75, 254).

²⁵² (Dutton 1994, 75-76).

²⁵³ (McKitterick 1989, 262-265).

²⁵⁴ The two exceptions, which I have used, are Odo of Cluny’s *Vita Geraldi* and the *Vita Gangulfi*, which is late ninth- or early tenth-century. (Poulin 1975, Appendix D) lists the few other lay saints of the early Middle Ages, who were neither kings, hermits or martyrs: no other ones have eighth- or ninth-century *vitae*.

²⁵⁵ (Heene 1989, 426-427). A few hagiographic texts do however have lay connections: (McKitterick 1989, 241-243).

²⁵⁶ See e.g. (Meens 2001).

audience.²⁵⁷ Of those that are, some seem to be addressed to a largely rural, non-elite audience,²⁵⁸ while it is not clear whether others were addressed to lay audiences in their written form.²⁵⁹ The liturgical material which we possess dealing with ‘secular’ matters, such as marriage and warfare, largely concentrates on royalty,²⁶⁰ and I have not therefore made much use of it. Nor I have looked at material from private prayer books, since this does not focus specifically on practical morality. For reasons of time, I have not myself looked at the moral norms that can be deduced from documentary sources such as memorial books, charters and formularies. Scholars have increasingly used these for studies of both noble self-consciousness and the workings of power, so I have drawn considerably on their research.²⁶¹

²⁵⁷ (McKitterick 1977, 96-97).

²⁵⁸ (McKitterick 1977, 99-) on Hrabanus’ first collection of homilies.

²⁵⁹ (McKitterick 1977, 102-103) on Paul the Deacon’s homiliary.

²⁶⁰ (Toubert 1977, 272-274; Nelson 1989, 259).

²⁶¹ See e.g. (Schmid 1957; Borgolte 1986; Innes 2000; Brown 2001).

CHAPTER 2: WARFARE

2.1 INTRODUCTION

Warfare played a key political, social and cultural role in the Carolingian period. The Franks had long had a reputation as a warrior people.¹ Annals were structured around annual campaigns, and warfare was a key aspect of a king's role.² Much poetry dealt with warfare, from the *De Conversione Saxonum Carmen* in the 770s, through to the *Ludwigslied* and Abbo's poem at the end of the ninth century and the liturgy of warfare also developed considerably in the period.³

The Frankish culture of warfare was (like those in most periods) overwhelmingly male, although occasionally elite women directed military operations.⁴ In theory, warfare, and more generally the use of weapons, was a lay prerogative: several texts refer to weapons and marriage as the two key markers of lay life.⁵ However, Prinz showed that Charlemagne 'institutionalised' the military service of the higher clergy (bishops and abbots), making their participation in campaigns and warfare the norm and weakening the canonical position that clergy should not participate in war or carry weapons.⁶

Professional warriors, whether part of the households of kings, bishops and counts or beneficed *vassi*, formed an important part of the army.⁷ Scholars disagree, however, about the role of *liberi homines* in the army.⁸ Who were included in this class and what duties were they expected to perform? Reuter argues plausibly for an

¹ (Le Jan-Hennebicque 1995, 97).

² (Scharff 2002, 109-114; Halsall 2003, 25-30).

³ (McCormick 1984; McCormick 1986, 347-387).

⁴ Nithard 3-4 (Hildegard held Laon); Regino 872 (since Louis II had sworn not to attack Benevento himself 'reginam cum exercitu dirigit'); AF(B) 896 and Regino 896 (Angeltrude defending Rome).

⁵ (Leyser 1984, 556-563). See also *Capitula de causis cum episcopis et abbatibus tractandis* 811 (Cap. I no 72 p 163) c 4: 'in quibus internosci possint hi qui seculum relinquunt ab his qui adhuc seculum sectantur; utrum in eo solo, quod arma non portant nec publice coniugati sunt.'

⁶ (Prinz 1971, chapter 3). (Nelson 1983a) shows the importance of the church's military service to Carolingian rulers.

⁷ (Reuter 1985, 81-90; Bachrach 2001, 59-).

⁸ See (Bachrach 2001, 52-59; France 2002).

extension of the demands made on them in the early ninth century.⁹ There is also some evidence that non-free men might be expected to assist in local defence.¹⁰

Nobles clearly played a key military role. Their education (often at court) included military training.¹¹ Counts, in particular, were expected not only to mobilise troops, but also lead them in battle and command armies; such military leaders played a key role in the army and their loss in battle could be disastrous to morale.¹² Lay and clerical magnates had personal military followings, in some cases, very large.¹³

Social distinctions were reflected in arms.¹⁴ The cavalry required better weapons than the infantry;¹⁵ would-be horsemen had to start young and needed considerable training.¹⁶ Heavy cavalry are no longer seen as the decisive factor in Carolingian military success,¹⁷ but 'horses and arms' seem to have had important symbolism for elite warriors.¹⁸ Yet such warriors seemingly also included non-

⁹ (Reuter 1990, 395-401).

¹⁰ (Reuter 1985, 90). (Le Jan 2000a, 65) shows how Hrabanus Maurus in reworking a passage from Isidore on the *militia* omits a prohibition on slaves taking up arms.

¹¹ (Le Jan-Hennebicque 1993, 214-222; Innes 2003, 61-68).

¹² (Leyser 1993, 97-98).

¹³ (Reuter 1985, 83): Archbishop John of Ravenna was alleged to have nearly 500 men; Regino 874: Vurfand defied the Vikings with around 200 men. Most of the laymen shown as having such followings were counts or other officials: e.g. Bernard of Septimania (EA 2-15), Bernard 'Hairy-paws' (AB 864), Gerald (AB 868), Robert Faretratus (Abbo I 442-460), William the Pious and Hugh (Abbo II 554-558), Hugo, son of Lothar (AF(M) 885), Baldwin of Flanders (Regino 903). De ordine 28 however, refers to *pueri* and *vassalli* being kept by *minores* and *maiores* at court.

¹⁴ See e.g. Capitulare missorum in Theodonis villa datum secundum, generale 805 (Cap. I no 44 p 123) c 6. EA 1-6: Wala exchanges his arms for the inferior ones of a *pauper*.

¹⁵ (Coupland 1990).

¹⁶ (Nelson 1989, 255).

⁷ See e.g. (Bachrach 1970; France 1985).

¹⁸ (Leyser 1984; Nelson 1989). The importance of swords is seen in nobles' wills: (Barthélemy 1998, 162).

nobles.¹⁹ There is also no sign of the prejudice against elite warriors using missile weapons that is visible later in the Middle Ages²⁰: several Carolingian sources show nobles using archery in warfare.²¹

Framework

This chapter will look at two main moral aspects of warfare: justifications of warfare and expected lay behaviour in warfare. When looking at justifications for warfare, I have not attempted to use a framework of ideas of just war and holy war, as many scholars have done. Instead I concentrate on two basic questions. Who was it acceptable to make war on and for what reasons? I have also, where possible, tried to separate out pragmatic opposition to any particular campaign from more strictly moral objections. The position is complicated by the fact that Carolingian writers rarely produced general discussions of the morality of combat.²² Moral arguments about warfare therefore need to be considered against the background of particular campaigns. This is particularly significant because of the substantial change in the military situation of the Franks in 750-900. Warfare before about 800 was largely expansive, fought aggressively against a variety of external opponents. After 800 there was much less expansion of the empire. Instead, Carolingian warfare became increasingly defensive, especially due to the significant threat from Vikings.²³ In addition, the division of the kingdom in 840 led to a number of wars between different Carolingian rulers, a form of warfare that had been rare since the death of Grifo in

¹⁹ (Leyser 1984, 563; Nelson 1989, 258-259). (Innes 2000, 147-150) sees the warrior Ripwin, who sold land to Lorsch in exchange for a horse, as coming from a family of prosperous peasants, although this status is disputed by (Halsall 2003, 77-81).

²⁰ (Hatto 1940).

²¹ Hilthibert (*In honorem* v 397-403) is listed among the 'duces' in v 306-311; Ebolus, (Abbo I 108-110) was abbot of St Germain-des-Près. (Halsall 2003, 166): capitularies expect heavily armed cavalry also to bring a bow and arrows. Werinhard engages Walter in 'haud aequo Marte' (Waltharius v 731) by shooting at him from a distance. Such behaviour seems to have been seen as unmanly more than ignoble: Walter is shown as 'ille virilis' (v 732) and 'heros' (v 751), while Walter responds more positively to a later opponents, who fights with a sword like himself: (v 788-789): 'Waltharius laudatque virum, qui prae-buit aequam / pugnandi sortem.'

²² The occasional use by authors of St Augustine's arguments on 'just war' have their own particular context: see below pp. 53-54.

²³ (Reuter 1990).

753. Any supposed ideological changes in the ninth century thus need to be considered against this background of changed military realities.

Christian traditions

There is still great controversy about the early church's views on warfare. Many scholars from the First World War onwards have seen the church as essentially pacifist in the first three centuries. They see the conversion of Constantine as a turning-point, when attitudes were 'compromised' in order to allow military service and warfare in support of a Christian empire. Ideas of just war were then developed to allow extensions of warfare.²⁴ An older view, which has, however, recently found new advocates, stresses that, from the second century at least many soldiers were Christians, and that this occupation was seen by some Christians as an acceptable role in society and as part of one's duty to the state.²⁵

By the eighth century a number of Christian views on warfare had been developed. Biblical authority could be used to support the idea of holy war (both in the Old Testament and in the influential Book of Maccabees) or pacifism.²⁶ Ambrose and (in more detail) Augustine developed theories of just war combining Roman and Christian traditions.²⁷ Yet Augustine's views were not yet normative: authors such as Gregory the Great and Isidore of Seville developed definitions and theories about war which drew little on Augustine.²⁸ Prayers for combatants had already developed, as had soldier-saints,²⁹ but some saints still renounced fighting as incompatible with Christianity.³⁰

²⁴ See e.g. (Cadoux 1919, 244-265; Bainton 1960, chapters 5-6).

²⁵ See e.g. (Harnack 1981, 65-104; Johnson 1987, 53-68).

²⁶ (Russell 1975, 8-11) lists some of the key texts.

²⁷ See e.g. (Erdmann 1977, 7-11; Johnson 1987, 53-68).

²⁸ (Lenihan 1996).

²⁹ See e.g. St Maurice and the Theban legion.

³⁰ Most notably St Martin, who announces 'Christi ego miles sum, pugnare mihi non licet.' (Sulpicius Severus, *Vita sancti Martini Turonensis* c. 4).

Previous research

Most scholarship on the morality of warfare in Carolingian Francia has focused on the church's attitude to warfare, with less attention paid to warfare's wider cultural significance.³¹ Traditionally, there has been particular interest in looking for developments in theories of just war³² and crusading.³³ A number of authors have seen church attitudes to warfare in the period as reticent, if not negative, relying mainly on the evidence of penitentials and the lack of discussion of the warrior life in moral treatises, especially the lay mirrors. Hincmar's works have also played a prominent part.³⁴ In contrast, authors who have argued for a positive view by the church of warfare have relied heavily on liturgical material, as well as authors such as Ermoldus and Nithard.³⁵

While there are many studies of behavioural norms in warfare for Anglo-Saxon England,³⁶ there are far fewer for Carolingian Francia. Most of these have examined the ideas of chivalry and knighthood and their presence or absence.³⁷ Very different conclusions have been drawn, depending on which aspects are seen as key. Scholars focusing on the development of the ideology of the *ordo pugnatorum* and a change in the meaning of the term *miles* have seen the Carolingian period as, at most, part of the 'prehistory of chivalry'.³⁸ Authors who have stressed the militarised nature of the Carolingian nobility and the development of military rituals, especially around weapon-giving, have often been more willing to see the ninth century as marking the

³¹ For exceptions see e.g. (Halsall 1998; Scharff 2002).

³² See e.g. (Russell 1975).

³³ See e.g. (Erdmann 1977).

³⁴ See e.g. (Russell 1975, 30-32; Devisse 1975-76, 528-).

³⁵ See e.g. (McCormick 1984; Nelson 1989; Bachrach 2003b, chapter 2).

³⁶ See e.g. (Woolf 1976; Halsall 1989; Hill 2000).

³⁷ Exceptions include (Nelson 1998b; Goldberg 1999).

³⁸ (Duby 1977b; Flori 1983; Barber 1995).

beginning of knighthood.³⁹ A third option is to see knighthood and chivalry as being about behaviour and especially codes of conduct on war. Jaeger wants to see this simply in terms of greater restraint in warfare:

The notion that growing refinement of the mind and of manners, and growing sensitivity to humanity gradually erode the aggressive warrior impulses of man is not easily opposed on either historical or psychological grounds.⁴⁰

Gillingham, more realistically, wants to see chivalry as defined by 'the compassionate treatment of defeated high-status enemies'.⁴¹

2.2 JUSTIFICATION OF WARFARE

Reasons and targets

Only warfare ordained (or at least sanctioned) by the ruler seems to have been generally seen as legitimate;⁴² Carolingian rulers tried to clamp down on the use of warlike violence in feuds and private conflicts (*werrae*).⁴³ Erdmann suggested that only defensive actions were seen as just wars in the early Middle Ages.⁴⁴ Wallace-Hadrill, however, discussing Einhard's attitude to war comments: 'all he seems to feel, though he does not even add this in so many words, is that you could do as you pleased with pagans and rebels.'⁴⁵ There were certainly a number of aggressive wars against non-Christians in the period and in some cases religious hostility to paganism was an important aspect to a campaign. The most famous example of this is Charlemagne's destruction of the Irminsul in 772, as part of his long campaign against

³⁹ (Leyser 1984; Nelson 1989; Barthélemy 1998).

⁴⁰ (Jaeger, 195-196). A glance at the history of the twentieth century is enough to negate his argument.

⁴¹ (Gillingham 1994, 32).

⁴² (Leyser 1994, 191).

⁴³ (Nelson 1998b, 92-93). On feud, see Chapter 3, pp. 120-121.

⁴⁴ (Erdmann 1977, 31): in the first millennium: 'The defensive character of the 'just war' continued to be so narrowly stressed that, even against pagans, only a genuine war of defense was recognized.'

⁴⁵ (Wallace-Hadrill 1975, 31).

the Saxons.⁴⁶ The stress on the Saxons as pagans is frequent. The *De Conversione Saxonum Carmen* from the early 770s proclaims:

Through the strength of virtues, through javelins smeared with gore
He [Charlemagne] crushed down and subjected it [the Saxon *gens*] to himself
with a shimmering sword
He dragged the forest-worshipping legions into the kingdoms of heaven.⁴⁷

Similarly, discussions of warfare against the Vikings in the ninth century frequently contrast Christians and pagans. This is clearest in such poetry as the *Ludwigslied* and Abbo, but is also seen in narrative sources.⁴⁸ A religious atmosphere can also be seen in some discussions of the Avar campaign, and attacks on them were sometimes justified by their 'evil' behaviour towards the church.⁴⁹ The one Carolingian moralist who has sometimes been seen as worrying about the legitimacy of war made against pagans is Alcuin.⁵⁰ As his letters show, however, it was forcible conversion, not the conquest of pagans itself, that worried him.⁵¹ He saw the victory over the Avars itself

⁴⁶ ARF 772.

⁴⁷ *Carmen de conversione Saxonum*, v 45-47:

‘Per vim virtutum, per spicula lita cruore
Contrivit, sibimet gladio vibrante subegit:
Traxit silvicolas ad caeli regna phalanges’

See (Rabe 1995, 54-71) for text, translation and a discussion of authorship. VK 7 similarly stresses the pagan nature of the Saxons, and their repeated oath-breaking.

⁴⁸ (Coupland 1991).

⁴⁹ See e.g. the poem on Pippin's victory over the Avars (PCR 186-191); ARF 791. Charlemagne's letter to Fastrada (Epp. 4 pp. 528-529) describes the litanies carried out during the campaign. Yet VK 13 says nothing about the pagan nature of the Avars in its description of the war. Perhaps this is because they were Christianised relatively quickly (ARF 795).

⁵⁰ See e.g. (Devisse 1975-76, 529; Bullough 2003, 367-368; Halsall 2003, 16). On the Council of Worms 868 condemning killings of pagans, see below pp. 56, 61.

⁵¹ Alcuin, *Epistola* 110 (Epp. 4 pp. 157-159) asks that the Avars are exempted from tithes and properly instructed in Christianity before their baptism.

as God-given,⁵² and was also happy with the use of armed force to protect missionaries.⁵³

Not all wars against pagans, however, as shown as motivated by religious fervour. The Wiltzites, who were attacked in 789, were seemingly not Christian then,⁵⁴ but the Royal Frankish Annals do not mention this. Their offence is said to have been the harassment and oppression of other Slav groups subject to or allied with the Franks. Nor does a discussion of their later revolt refer explicitly to their paganism.⁵⁵ Similarly, there is relatively little use of religious language by Carolingian sources (as opposed to papal ones) in discussing warfare against Saracens.⁵⁶ The annalists have far more pejorative comments to make on the Saxons and Basques⁵⁷ than the Saracens.⁵⁸ While some poems, such as those of Sedulius Scottus show hostility towards the 'Moors',⁵⁹ Ermoldus Nigellus shows the Saracen leader Zado in a considerably more favourable light than the Breton king Murman.⁶⁰

⁵² See e.g. Alcuin, *Epistolae* 99 (to Paulinus) 110 (to Charlemagne) (*Epp.* 4 pp. 143, 157).

⁵³ Alcuin, *Epistola* 107 to Arno (*Epp.* 4 p 153): 'Fortitudo vero exercitus, qui tecum vadit, ad cautelam et defensionem vestri directa est.'

⁵⁴ Alcuin, *Epistola* 6 (*Epp.* 4 p 31) from late 789 asks if they have been converted.

⁵⁵ ARF Rev 789; ARF 808-812.

⁵⁶ (Gilchrist 1988, 181-183) and (Devisse 1975-76, 536-539) give selections from the papal letters.

⁵⁷ See e.g. Astronomer 13; ARF Rev 797.

⁵⁸ There are occasional comments that the Saracens are oppressing Christians e.g. *Annales Mettenses priores* 778; Astronomer 2. The *Chronicon Moissiacense* 793 reports the cruelty of Abd al-Rahman I to Saracens as well as Christians and Jews; the introduction of the *Constitutio de Hispanis in Francorum regnum profugis prima*, 815 (*Cap.* I no 132 p 261) refers to oppression by the 'inimicissima Christianitati gens Sarracenorum'. *Hlothari capitulare de expeditione contra Sarracenos facienda* 846 (*Cap.* II no 203, p 67) c 9 calls the Saracens 'inimici Christi'.

⁵⁹ Sedulius, *Carmina* II-25, 39 (*Poet.* III pp. 190-192, 202-203).

⁶⁰ Zado rules Barcelona with 'valida ingenia' (*In honorem* v 350); Murman is shown as a drunken and proud fool (v 1458-, 1560).

Unlike the Vikings,⁶¹ only rarely are the Saracens described as being punished by God for their wickedness.⁶²

Not all eighth century wars were against non-Christian opponents, however. There were several Carolingian campaigns against the Aquitanians, Lombards and Bretons. The Aquitanian case is most revealing. The motive for Pippin's initial attack is given as Duke Waifar's refusal to observe the rights of Frankish churches holding property in Aquitaine.⁶³ When Waifar failed to respond to Pippin's demands, however, Pippin, 'goaded' by Waifar's 'defiance' 'unwillingly' attacked him.⁶⁴ Waifar submitted, but the next year sent a raiding party into Francia.⁶⁵ In response, Pippin launched a campaign that continued until his death in 768, refusing an earlier offer of submission and tribute by Waifar.⁶⁶ Some Carolingian authors remembered Pippin's conquest of Aquitaine as one of his greatest achievements. Ermoldus Nigellus several times showed it as part of a sequence in which Charles Martel first conquered the Frisians and Charlemagne later conquered the Saxons. He clearly saw no distinction between the conquest of pagan and Christian realms; instead he saw Pippin as conquering Aquitaine by God's help.⁶⁷

Such claims about rights and justice became an important way of sanctioning aggression by Carolingian rulers. Paul Fouracre shows that the *Annales Mettenses priores* use the idea of *iustitia* to justify both the invasion of Neustria by Pippin the

⁶¹ See e.g. AX 845; AB 845; AF 854, 873; AF(M) 884, 885.

⁶² ARF 807: Moors are defeated because they had abducted and sold monks from the island of Pantellaria; AB 847: Saracens who are taking home treasure from St Peter's blaspheme and are destroyed in a storm.

⁶³ ARF 760. Fredegar 41 also shows Pippin demanding the return of Franks who had fled to Aquitaine and compensation for illegal killing of Goths.

⁶⁴ Fredegar 41: 'Haec omnia Waiofarius, quod praedictus rex per legatos suos ei mandauerat, hoc totum facere contempsit. Igitur Pippinus rex inuitus coactus undique contraxit exercitum'. Cf. ARF Rev 760.

⁶⁵ Fredegar 42.

⁶⁶ Fredegar 47: 'Waiofarius legacionem ad praedicto rege mittens...tributa uel munera quod antecessores suos reges Francorum de Aquitania prouintia exire consueuerant annis singulis partibus praedicto regi Pippino soluere deberet. Sed hoc rex per consilio Francorum et procerum suorum facere contempsit.'

⁶⁷ In honorem v 2156-2163. Cf. Ermoldus Nigellus, *Ad Pippinum regem*, II 151-160.

Younger in 687 and the Carolingian invasion of Bavaria in 743.⁶⁸ Similarly, the attacks by Pippin and Charlemagne on the Lombards use as justification the rhetoric of Lombard infringement of the *iustitia* of St Peter.⁶⁹ While Einhard records that some *primores* opposed Pippin's Italian campaign, there is no hint that this opposition was for moral rather than pragmatic reasons.⁷⁰ Even clerics saw no moral problems in fighting Lombards. When Alcuin pleaded with Charlemagne not to attack Duke Grimoald of Benevento, it was from a practical concern for the Frankish army:

You know well how divine providence fought for you, carrying off the father and brother of this wicked man in a moment of time. He will suffer in the same way, we believe, if it is His holy will that he should perish, and that without any loss of your loyal servants. Such things can find an end in time perhaps better by counsel than by open attack.⁷¹

Attacks on the Bretons appear to have begun seriously in 786.⁷² The original version of the Royal Frankish Annals provides no justification for this attack; the revised version claims vaguely that they had previously been subjected to the Franks, but were now refusing to pay tribute. Nor is any reason given for the Frankish attack on Brittany in 799.⁷³ Under Louis the Pious and occasionally later, 'revolts' by the Bretons and campaigns against them were sometimes accompanied by rhetoric about the Bretons being un-Christian.⁷⁴ Yet as Julia Smith shows, these were only

⁶⁸ (Fouracre 1995, 772-775).

⁶⁹ ARF 755, 756, 773.

⁷⁰ VK 6: 'quidam e primoribus Francorum, cum quibus [Pippin] consultare solebat, adeo voluntati eius renisi sunt, ut se regem deserturos domumque redituros libera voce proclamarent.' (Reuter 1990, 404-405) sees this as an early indication that Frankish nobles were concerned about the risks of some campaigns.

⁷¹ Alcuin, Epistola 211 (Epp. 4 p 352): 'Optime nosti, quomodo divina pro te pugnabat providentia. Patrem fratremque huius impiissimi hominis in brevi tulit articulo. Hic etiam sic faciet, credimus, si illius sancta voluntas disponit, ut et iste pereat, et sine aliquo fidelium damno tuorum eveniat. Talia possunt forte melius ex consilio quam aperta expugnatione per tempus finem habere.' Such advising against a war was clearly a major step: Alcuin begs Charlemagne not to be angry with him for his suggestion.

⁷² (Smith 1992, 86-87).

⁷³ ARF 786, 799; ARF Rev 786, 799.

⁷⁴ (Smith 1992, 62-67) discusses the rhetoric of the early part of Louis the Pious' reign; (p. 87) Hincmar also had harsh words for the Bretons. Yet although Lupus, Epistola 81 (II: 56-65) sees Nominoe as an evil-doer, he does not use much hostile rhetoric about the Bretons in other letters (see e.g. Epistolae 44, 111, I: 184-187, II: 154-157). Regino's views are

temporary reactions: Carolingian rulers also used the faith they shared with the Bretons to strengthen alliances with them.⁷⁵ Their Christian religion did not protect the Bretons from aggressive Frankish attempts to impose hegemony on them; in fact it may have encouraged them.⁷⁶

The rise of peacefulness?

Carolingian authors were thus happy to show rulers fighting not only pagans, but also other Christian rulers. A flexible rhetoric of 'rights' and 'rebellion' could justify most campaigns, however aggressive. Most of the warfare I have mentioned so far, however, took place in the eighth century. A number of scholars have argued that a more generally peaceful attitude is visible in the Frankish empire after 800 and that there was a new reluctance for warfare.⁷⁷ Some historians, for example, have claimed that Louis the Pious preferred to negotiate with foreign peoples rather than fight them.⁷⁸ This 'peaceful' culture has also sometimes been seen as particularly characteristic of the West Frankish kingdom under Charles the Bald,⁷⁹ as contrasted with the Eastern Franks under Louis the German.⁸⁰

complicated by his use of 'anti' and 'pro' Breton sources ((Werner 1959, 108-109)), but even his hostile sections e.g. Regino 836, 860, 862 do not show the Bretons as a whole (as opposed to Nominoe personally) as un-Christian.

⁷⁵ (Smith 1992, 108-115): baptismal sponsorship was an important means of creating relationships between Charles the Bald and Breton leaders.

⁷⁶ (Smith 1992, chapter 3): Louis saw the Bretons and the Gascons as a challenge to his vision of one Christian empire and thus adopted an aggressive policy towards them.

⁷⁷ See e.g. (Reuter 1990, 391-392; Werner 1990, 11-12). (Flori 1983, 56) claims that the aristocracy at the end of the ninth century '*dédaigne un peu*' the profession of arms, but provides no evidence.

⁷⁸ (Kershaw 1998, 72) sees four phases in attitudes to peace: in the second, after 800, peacemaking had 'an imperial aspect... This emphasis coincided with a reduction in the number of campaigns fought by Carolingian forces. Thus, the emphasis upon peace both reflected, and justified, a relaxation of the earlier, war-like attitudes of the Franks.' Cf. (Noble 1990, 339-340).

⁷⁹ (Devisse 1975-76, 534) claims that Carolingian reform '*a exalté la paix, la non violence et l'arbitrage*'.

⁸⁰ (Goldberg 1999, 77). Goldberg's discussions are seriously weakened because he confuses opportunities for 'profitable military conquest' with those for being 'victorious warlords' (p 77). Charles, if anything, had more opportunities for the latter. Carolingian poetry suggests that more prestige was won by defeating certain opponents. Defeats of Vikings, judging by

As already mentioned,⁸¹ much ninth century warfare consisted of conflicts between Carolingian rulers. Ideologically, such wars were clearly far more problematic than fighting external *gentes*.⁸² Louis the Pious in 839 was ‘deeply worried about spilling the blood of a people who felt themselves one’.⁸³ The Fulda Annals provide an elaborate justification for why Louis the German ‘had’ to attack Charles the Bald in 858.⁸⁴ A similar picture emerges from Nithard, who provides an important insight into secular noble values. Much of the conflict he records consists of attempts either to negotiate with opponents or to defeat them by subverting their supporters, rather than actual fighting.⁸⁵ When Nithard occasionally speaks of military activity other than the *Brüderkrieg*, however, his attitude is very different. He approvingly describes Louis the German’s response to the Stellinga uprisings: ‘Louis, however, nobly put down, not without rightful bloodshed, the rebels in Saxony’.⁸⁶

As this shows, it was not so much ‘civil war’ that was the problem, as fighting one’s immediate family. Boso’s attempt to make himself king in Provence was seen simply as rebellion and put down firmly by co-operating Carolingian rulers.⁸⁷ Pippin II of Aquitaine appears to have been regarded as outside the ‘family circle’ for many purposes, perhaps because Louis the Pious had not sanctioned his accession. Louis

the quantity and hyperbole of the verse, were the most prestigious. In contrast, although Sedulius wrote poems to Louis the German, among others, there is only one mention of Slavs as opponents (Carmen II-53 to Count Eberhard, (Poet. III p 212 v 23)). Such warfare clearly did not inspire him, unlike that against Saracens and Vikings.

⁸¹ See p 43.

⁸² (Nelson 1989, 263): ‘the warfare that pitted Frank against Frank was exceptionally hard to justify’.

⁸³ AB 839: ‘Imperator autem, sanguinem communis populi fundi admodum metuens’.

⁸⁴ AF 858.

⁸⁵ See e.g. Nithard 2-1, 2-4, 2-9, 3-3.

⁸⁶ Nithard 4-4: ‘Lodhuvicus etenim in Saxonia seditiosos,...nobiliter, legali tamen cede compescuit.’ Cf. 4-6.

⁸⁷ (MacLean 2001).

was quite happy to send an army to ‘crush the Aquitanian rebels’ who had joined with Pippin II and he also campaigned against them himself.⁸⁸

Much of Carolingian moralising against war appears in this context of conflict between brothers. Many moralists, however, combined disapproval of this kind of fighting with a wish for warfare to be directed instead against external enemies.⁸⁹ Agobard of Lyons is explicit that this should be aggressive warfare: the emperor should fight against ‘barbarian nations, so that he may subject them to faith for the extending of the boundary of the kingdom of the faithful.’⁹⁰ Such family conflicts also provoked the only two examples of Carolingian authors making substantial use of just war theory. Hincmar in *De regis persona* drew explicitly on Augustine’s theories, arguing that expansionary wars could be justified by the wickedness of surrounding nations and that it was not a sin to wage war on God’s authority.⁹¹ Devisse claims that Hincmar’s text showed doubts among Charles the Bald’s circle about the legitimacy of warfare.⁹² There is no direct evidence of this, however. Hincmar’s tract includes several chapters arguing for the severe punishment of relatives of the king who sin, including use of the death penalty.⁹³ It seems most likely that the text was produced in 873 in connection with the rebellion of Charles the Bald’s son Carloman.⁹⁴ Hincmar may have found Augustine’s moral discussions of war in purely abstract terms

⁸⁸ AB 839: troops were sent ‘contra motus Aquitanicos...compescendos.’ (Cf. AB 840). This exclusion of Pippin continued: AF 843 reports frequent attacks by Charles the Bald on Pippin, and Pippin’s army seems to have shown no hesitation in attacking and killing large numbers of Charles’ men in 844 (AB 844).

⁸⁹ Regino 841 laments that Fontenoy so weakened the ‘Francorum vires...ac famosa virtus’ that the kingdom could no longer be extended.

⁹⁰ LA 1-3: ‘Cum enim deberent exercitus mitti aduersus exterar gentes, et ipse imperator aduersus barbaras nationes dimicare, ut eas fidei subiugaret ad dilatandum terminum regni fidelium’.

⁹¹ De regis 7, 9.

⁹² (Devisse 1975-76, 532).

⁹³ (Devisse 1975-76, 714-716).

⁹⁴ (Devisse 1975-76, 710).

invaluable ammunition in justifying the one kind of war that did concern many Franks: a civil war against a king's own relatives.⁹⁵

Nor was Hincmar the only author to see the potential of this material: his Augustinian texts came via an intermediary source. Many of his chapters share sections with a collection of extracts from the Fathers found in a ninth century manuscript from Orléans. H. H. Anton sees this manuscript, which also contains extracts from Jonas' *De institutione regia*, as a draft council text or a collection of materials for one assembled by Jonas. Jonas probably made this around 836 and intended to send the final work to Louis the Pious.⁹⁶ Since Louis had already been deposed twice by his sons, he too may have appreciated a work that implicitly and retrospectively legitimised any military action he took against them.

The Franks do seem to have become more defensive towards external enemies in the ninth century,⁹⁷ but such defensiveness should not be confused with peacefulness; when they made '*ad hoc* responses of a defensive nature to external threats',⁹⁸ their choice was often a military rather than a diplomatic reaction. When the Bretons 'rebelled' they were invariably dealt with fiercely.⁹⁹ The revolt of Liudewit, *dux* of Lower Pannonia was eventually suppressed by Louis's determined use of force; peace had been offered earlier by Liudewit, but on terms that Louis was not prepared to accept.¹⁰⁰ Several conflicts against the Saracens seem to have been deliberately sought during Louis' reign.¹⁰¹ Even peace treaties with the Danes were

⁹⁵ Hincmar, of course, was equally prepared to argue against civil war when it suited him, see e.g. Quierzy letter c 15; AB 876 on Andernach.

⁹⁶ (Anton 1968, 221-231). The manuscript is BN lat. nouv. acq. 1632.

⁹⁷ See above p 43.

⁹⁸ (Reuter 1990, 392).

⁹⁹ See e.g. ARF 811, 818, 822, 824, AB 837.

¹⁰⁰ (Bowlus 1995, 70-71); ARF 819.

¹⁰¹ Peace treaties with the Saracens are reported as being deliberately broken in ARF 815, 820. ARF 828 records that Count Boniface in 828 launched an attack on the African coast and, despite losing some men, '*hoc facto ingentem Afris timorem incussit.*'

sometimes refused.¹⁰² After 830 there are more reported cases of Frankish armies being reluctant to fight or fleeing if the outcome looked unfavourable,¹⁰³ but efforts to deal with Viking raids included the use of military force as well as buying off the invaders.¹⁰⁴ Charles the Bald, meanwhile, though lauded as a ‘*rex pacificus*’,¹⁰⁵ maintained a persistent habit of invading other rulers’ kingdoms.¹⁰⁶

There are thus few signs of increasing peacefulness in the actual practice of ninth century rulers, although the kinds of wars fought had changed. Was war nevertheless more morally problematic than previously? Images of the *rex pacificus*, the peaceful king, are more prominent in ninth century sources than in eighth century ones.¹⁰⁷ Yet there is the immediate problem of what this ‘peace’ actually means. As a number of studies of the meaning of peace to Carolingian authors show, it was not simply seen as the opposite of war.¹⁰⁸ War could therefore be seen as an acceptable way of obtaining peace:¹⁰⁹ several authors praise rulers as ‘peaceful’ while lauding their battles.¹¹⁰ Alcuin’s long eulogy on peace in *De virtutibus et vitiis* says that ‘peace’ should not be had with the ‘wicked’.¹¹¹

¹⁰² Peace treaties are recorded in e.g. ARF 811, 825, but refused in ARF 817. (Nelson 1990a, 157-158) shows how Louis in the last years of his reign combined diplomatic and military responses to the Danes.

¹⁰³ The refusal to fight the Breton campaign in 830 may have been partly politically motivated, but as AB 830 records: ‘Quod iter populus moleste ferens propter difficultatem itineris, eum illuc sequi noluerunt.’ There were also a number of flights during civil wars: see e.g. ARF 817 (Bernard of Italy); AB 832 (Louis the German); AB 834 (Lothar).

¹⁰⁴ (Coupland 1999; Coupland 2004).

¹⁰⁵ Sedulius, Carmen II-28 (Poet. III p. 194) v 52: ‘Pacifer ut Salemon regia scepra tenens’.

¹⁰⁶ See e.g. AB 845 (Brittany); AB 869 (Lotharingia); AB 875 (Italy); AB 876 (East Francia).

¹⁰⁷ (Kershaw 1998, chapter 3).

¹⁰⁸ (Bonnaud Delamare 1939; Kershaw 1998, 20-25).

¹⁰⁹ (Halsall 2003, 18-19).

¹¹⁰ See e.g. Regino 880 on the ‘*plurima bella*’ of the ‘*pacificus*’ Carloman of Bavaria; Nithard 4-7 on Charlemagne’s era as a time of ‘*pax...atque concordia ubique*’. Similarly Florus of Lyons, Carmen 28 (PCR pp. 264-273) invokes a time of ‘peace’ under Charlemagne and Louis the Pious achieved through terror (v 44): ‘*Pax cives tenuit, virtus exterruit hostes*’, a time also of domination of ‘*externae gentes*’ (v 53-54).

¹¹¹ DVV 6: ‘Negat sibi Patrem Deum, qui pacificus esse contemnit. Sed haec pax cum bonis et Dei praecepta servantibus custodienda est, non cum iniquis et sceleratis, qui pacem inter se

Many Carolingian moralists also reveal an intimate connection between peace and submission of enemies. A striking example is the Fulda Annals of 876, where Louis the Younger is reported as saying: ‘the Old People [i.e. the Jews] were absolutely forbidden to make war even on the nations around them unless they had first refused peace.’ The reference is probably to Deuteronomy 20: 10-21, in which the cities who make peace with the Jews become their tributaries and servants; those who do not and are conquered have their men massacred.¹¹²

The same attitude is repeated elsewhere. Agobard quotes a prayer from the Gelasian Sacramentary: ‘Let us pray for our most Christian emperor, that our Lord God may make all barbarian nations subject to him for our eternal peace.’¹¹³

Ermoldus Nigellus follows the same pattern.¹¹⁴ He shows Louis the Pious specifically rejecting one counsellor’s suggestion of peace with the Saracens of Barcelona; instead he approves the comments of Count William of Toulouse that peace can only be obtained by capturing Barcelona.¹¹⁵ Louis does say that the Franks should make and keep peace with the Saracens if they were Christian.¹¹⁶ However, while negotiations with the Bretons are shown, it is made clear that only Breton submission will gain them peace.¹¹⁷ The end of the poem shows Louis the Pious

habent in peccatis suis.’ The multiple (and sometimes confused) senses of the meaning of peace are shown later in the chapter: ‘Mala siquidem hominum impiorum odio habenda sunt, non homines ipsi, quamvis mali sunt, quia creatura Dei sunt’. ‘Pax...est...patriae laetitia, et terror hostium sive visibilium, sive invisibilium.’

¹¹² AF 876: ‘quandoquidem nec exteris gentibus bellum est antiquo populo penitus inferre praeceptum, nisi pacem oblatam respuerint.’ The Council of Worms 868 (Conc. 4 no 25 p 265) c 3 makes the same statement in its discussion on killing pagans, implicitly implying that only submissive pagans need be spared.

¹¹³ LA 1-3: ‘Oremus et pro christianissimo imperatore nostro, ut Deus et Dominus noster subditas illi faciat omnes barbaras nationes ad nostram perpetuam pacem.’ Cf. De regis 10: ‘Esto ergo etiam bellando pacificus, ut eos quos expugnas ad pacis utilitatem vincendo perducas. Beati enim pacifici, ait Dominus, quoniam filii Dei vocabuntur.’ (The source is Augustine, Epistola 189 to Count Boniface, s 6) which itself quotes Matthew 5: 9).

¹¹⁴ (Scharff 2002, 60-62): Ermoldus sees victorious war as a prerequisite for peace. (Kershaw 1998, chapter 5) has an enlightening analysis of peacemaking rituals in Ermoldus, but ignores this ambiguity in Ermoldus’ concepts of peace.

¹¹⁵ In honorem v 164-198.

¹¹⁶ In honorem v 324-327.

¹¹⁷ In honorem v 1339, 1379, 1572-1575.

dealing peacefully with the Danes, but only so that he can obtain the 'victory' of Danish submission not possible by war.¹¹⁸

Sedulius Scottus also demonstrates the profound ambiguity of Carolingian ideas of 'peace'. Paul Kershaw sees him as one of the key writers in the development of the idea of the *rex pacificus*.¹¹⁹ Yet his poetry shows a keen appreciation of war, such as in a dedicatory verse to accompany a copy of Vegetius's *De rei militari* given to Eberhard of Friuli:

For thus the conquering art defeats all adversities;
it defends, raises and blesses peoples.
Whatever mankind knows of the warlike art in the world
Is all written here in this new treasury.¹²⁰

Attempts to show Sedulius as developing an ideology of peacefulness have tended to focus on the *Liber de rectoribus Christianis*.¹²¹ Sedulius is certainly conscious of the risks of war. One of the two key themes of the tract, as Nicholas Staubach shows, is the instability of fortune.¹²² Neither war nor peace can ensure the stability of a kingdom:

Can an earthly kingdom be kept stable perhaps, either by violent force of arms
or by the tranquil harmony of peace? On the contrary, in the arms and

¹¹⁸ In honorem v 2516-2517: 'Arma patrum nullo quae non valere duello, / Sponte sua, capere, te modo regna petunt'. It is also noticeable that Ermoldus' descriptions of the Ingelheim paintings (v 2150-2163) contrasts portraits of Christian Roman emperors which do not specifically mention war (even when such images might seem appropriate, such as for Constantine) with images of conquering Carolingians.

¹¹⁹ (Kershaw 1998, 88-89).

¹²⁰ Sedulius, Carmen II-53 (Poet. III p 212) v 15-18:

'Sic adversa domans ars victrix omnia vincit
Ars munit populos, subrigit atque beat.
Quicquid belligeræ mundus sapit artis in orbe,
Hic in thesauris condita cuncta novis.'

Cf. the bloodthirsty tone of Carmen II-8 p 177 v 30-32 on a Viking defeat:

'Testis et campus madidus cruore,
Indicat litus rutilum tropaeum
Ossibus albens'

¹²¹ (Kershaw 1998, 88-93).

¹²² (Staubach 1993, 119-120).

rumblings of war there is great instability. What is more uncertain and more unstable than military campaigns, where there is no sure outcome to the wearisome combat and no victory assured, where often more illustrious men are overthrown by lesser ones... Who can explain how many evils occur under the false name of peace.¹²³

The ruler in warfare must therefore put his trust in God, but Sedulius is happy to quote examples of victories won with bloodshed as well as without.¹²⁴ He thinks the ruler should seek always through peace not only to rule and govern his kingdom, but also to 'extend' it.¹²⁵ Similarly, while he stresses the virtue of 'concordia', this does not prevent involvement in wars 'when a most necessary and just cause demands.'¹²⁶ As I have already suggested, the necessity of wars was a flexible concept for the Carolingians.

Sedulius does offer a specific moral condemnation of the arrogant rejection of peace terms:

There are some, however, who become so haughty by the success of earthly felicity and swollen pride that they are not afraid to reject the peace offered to them by their enemies and to undertake unjust wars. Even worse, if they have become entangled in two wars, with the fury of Spartans they do not refuse a third. Often, however, such men are justly destroyed by the rod of divine vengeance, since they are unwilling to accept the gift of peace when it is extended to them.¹²⁷

However, his two examples of evil rulers who do not accept peace terms are revealing. The first is from 2 Kings 14, where King Amaziah of Judah, having

¹²³ LRC 3: 'Forte vero aut armorum violentia fortitudine aut pacifica tranquillitatis concordia terrestre regnum stabilitur? Sed rursus in ipsis armis bellorumque fragoribus grandis instabilitas inesse cernitur. Quid enim incertius est magisque instabile bellicis eventibus, ubi nullus est certus laboriosi certaminis exitus, nulla certa victoria, et saepe ab inferioribus sublimiores superantur... Quanta quoque mala sub ficto nomine pacis provenient, quis explicare potest'.

¹²⁴ LRC 14, 15.

¹²⁵ LRC 17: 'Prudens itaque dominator per pacis connexionem studet semper amplificare, ordinare atque gubernare imperium'.

¹²⁶ LRC 17: 'Haec [concordia] serena est domi, victrix in praelio, licet neque bellis velit esse implicata, nisi cum pernecessaria et iustissima exegerit causa.'

¹²⁷ LRC 17: 'Sed sunt nonnulli qui successu terrenae felicitatis et tumore superbiae in tantum existunt elati, ut pacem ab hostibus oblatam spernere et iniusta bella suscipere non pertimescant et, quod est gravius, duobus forte bellis impliciti tamquam Spartanorum furore non recusent. Sed saepe tales virga divinae ultionis intereunt, quoniam pacis donum sibi oblatum suscipere nolunt.'

defeated the Edomites, then challenges King Jehoash of Israel. Despite Jehoash's attempts to prevent the war, Amaziah attacks and is defeated. Neither the Biblical passage nor Sedulius see anything problematic in Amaziah's war with the Edomites, despite it being a violent attack on a formerly subject people, in which at least 10,000 of the enemy were killed.¹²⁸ It is Amaziah's unjustified attack on a fellow Jewish ruler that is condemned.

The second example Sedulius gives is that of the emperor Julian attacking the Persians. Besieging Ctesiphon, Julian refuses the offer of the Persian king to surrender part of the country to him. As a result, he is mysteriously killed when preparing to lead his army into battle. Sedulius makes explicit the lesson Julian had failed to learn:

while, indeed, it is a good thing to conquer, it is, on the other hand, an invidious thing to conquer excessively with a foolhardy belief in magic arts and by anticipating victory with a false hope.¹²⁹

Similar views are expressed by other ninth century texts discussing peace treaties. Authors condemn the refusal of peace treaties between Carolingian rulers.¹³⁰ Only one source, however the Fulda Annals of 849, condemns the refusal of peace with an external enemy. In this an attack is made on Bohemian rebels who have already promised hostages and obedience; the result is a Frankish defeat.¹³¹ Kershaw's argument, based on Sedulius and this annal, that there was a general moral duty on Christian kings to offer peace terms first to opponents and not to refuse peace terms themselves¹³² thus seems considerably overstated. Instead, authors' concerns,

¹²⁸ 2 Kings 8: 20 describes how the Edomites had revolted from Judah's rule around 60-70 years earlier. 2 Kings 14: 7 gives 10,000 men slain; 2 Chronicles 25: 5-12 adds an extra 10,000 men captured alive and then massacred. Neither account mentions any immediately prior Edomite aggression.

¹²⁹ LRC 17: 'quia vincere quidem bonum est, supervincere nimis invidiosum, credens utique magicis artibus et falsa spe victoriam praesumens.' A similar point is made by Regino 890 when the Breton Duke Vidicheil is killed during a rash pursuit of defeated Vikings: 'ignarus quia vincere bonum est, supervincere bonum non est.'

¹³⁰ See e.g. AF 876: Bishop Willibert of Cologne appeals to Charles the Bald 'ne ita ferociter ac barbare faceret erga nepotem ea, quae pacis sunt, sectantem'.

¹³¹ AF 849.

¹³² (Kershaw 1998, 91): 'Only if an enemy had refused the peace that a Christian ruler first offered was it justifiable to attack. Peace terms, Sedulius made clear, should not be refused'. He comments (p 116) on the passage from the Fulda annals of 849: 'a rare recorded occasion of the requirement of Christian kingship to pursue peace not being observed...This lapse was

even if expressed in moral terms, seem to be largely about unjustified overconfidence. Conquest itself is positive: the peace terms wanted are those that come from a submissive enemy. Several annalists later in the ninth century complained about kings who made peace rather than destroying a weakened enemy.¹³³

For Sedulius, ultimately, the problem with warfare was not that the strong defeat the weak, but that this could not invariably be relied upon. As with other Carolingian authors, any 'increase in peacefulness' in the ninth century thus must be seen as at most marginal. Peace was one of the goals that Carolingian rulers sought, but so was domination, by military means if necessary.

2.3 BEHAVIOUR IN WARFARE

Some scholars have argued that texts discussing behaviour in warfare suggest a general uneasiness about war by 'the church'. Flori argued that there was no ideology for the *milites* till the end of ninth century. What would later be the chivalric ethic of defending the weak, especially widows, orphans and the church was given solely to kings.¹³⁴ Yet as he himself shows, several Carolingian sources refer to the *potentes* (and more specifically, officials such as counts) as sharing in the royal *ministerium* of protecting the weak.¹³⁵

Some literary scholars have also suggested that early medieval writers had difficulty in producing literary models of the warrior hero, with Christian scruples on warfare uneasily confronting pagan ideals.¹³⁶ Carolingian poetry, however, is full of praise for warfare, with some battles described in considerable detail. They also provided a number of models of warrior heroes, not restricted to rulers. Paulinus's

presented as a moral crime...the individual responsible for this entry shared other annalists' attitudes to rulership, victory, and the correct behaviour for a Christian power at war.'

¹³³ See e.g. AV 874 and Regino 873 on Charles the Bald's peace at Angers, AF(M) 882 on Charles the Fat at Asselt.

¹³⁴ (Flori 1983, 61-62).

¹³⁵ See e.g. (Flori 1983) pp. 42-44 (Boniface's sermon 9), 71-73 (Council of Paris, 829), 76-77 (Quierzy letter), 80-82 (capitularies of Charlemagne, Louis the Pious and Charles the Bald).

¹³⁶ (Kratz 1980, 1-2); (Huppé 1976, 23): 'There can be but one Christian hero, and that is Christ. Whatever is heroic is an imitation of him.'

lament on Eric of Friuli's death in 799, for example, celebrates his civil and military activities:

Aecclesiarum largus in donariis,
pauperum pater, miseris subsidium,
hic viduarum summa consolatio
erat: quam mitis, karus sacerdotibus,
potens in armis, subtilis ingenio.

Barbaras gentes domuit sevissimas¹³⁷

Other historians have used the evidence of specific genres to argue for the church's uneasiness about warfare. The most frequently used sources are the penitentials. A number of these impose penances on those who kill during warfare.¹³⁸ As evidence of Carolingian opposition to warfare, however, the significance of the penitentials should not be overstated. Kottje points out that such penances were not a Carolingian innovation, but came from insular models.¹³⁹ The penances imposed were relatively low.¹⁴⁰ It is also not clear whether such penances necessarily implied actual culpability, or reflected other taboos.¹⁴¹ At least some Carolingian moralists seem to have moved away from the idea of killing in warfare as automatically sinful. Halitgar of Cambrai's penitential, for example, imposed no compulsory penance on those who killed in war in self-defence, and seemingly formed the basis of the Frankish bishops' ordinances after the battle of Fontenoy.¹⁴² Jonas, and following him, Hincmar, cited Augustine as saying that soldiers who kill on command do not sin.¹⁴³ Hrabanus,

¹³⁷ Paulinus, *Carmen* 2, stanzas 5-6 (Poet. I p 131). Cf. Sedulius, *Carmina* II-39, 67 on Count Eberhard (Poet. III pp. 202-203, 220-221).

¹³⁸ See e.g. (Erdmann 1977, 16-17; Flori 1983, 17-19).

¹³⁹ (Kottje 1980, 240-241).

¹⁴⁰ (Kottje 1980, 240): most penitentials of the eighth and ninth centuries had penances of 40 days specifically for killing in (public) war. (Bachrach 2003a, 19-20): some continental penitentials extended this to 22 weeks for killings 'sine causa'.

¹⁴¹ (Demyttenaere 1990, 150-151).

¹⁴² (Nelson 1998b, 100-101). Other rituals after this battle seem to have been aimed more at assuaging the particular concerns about civil war than more general guilt about bloodshed.

¹⁴³ (Laehr 1935, 120 c 7); *De regis* 11. It is against this background that the condemnation of the Council of Worms 868 (*Conc.* 4 no 25 p 265) c 3 of killing a 'paganus' 'odii meditatione vel propter avaritiam', should be considered. It seems likely that killing pagans in battle was not automatically envisaged as coming into these categories.

however, specifically rejected such a view. He saw killing in war or for avarice or to win a lord's favour as sinful and implied that all killing required penitence, though he did not state specific periods.¹⁴⁴ Even he, however, saw a distinction between warfare by legitimate authorities and 'tyrants'.¹⁴⁵

Erdmann saw 'the reticent attitude adopted by the church towards the secular profession of arms' reflected in the lack of discussion by Jonas and other lay mirror writers of the practical morality of war.¹⁴⁶ The lay mirrors do indeed say little on war; attempts to label them as 'advice for warriors' seems inappropriate.¹⁴⁷ Paulinus and Alcuin focus on spiritual rather than actual warfare,¹⁴⁸ while Jonas's only advice for warriors is that they should pray before going to war.¹⁴⁹ Dhuoda has only a little more on the noble as warrior.¹⁵⁰ Implicitly, however, extremely violent warfare was acceptable to her. She praises King David's captains Joab and Abner as examples of loyalty.¹⁵¹ The combination is peculiar, since Joab actually murdered Abner during a lethal career that also included several other murders, the killing in battle of the defenceless Absalom and the mass destruction of cities.¹⁵² Dhuoda's other biblical

¹⁴⁴ (Kottje 1980, 241-244). Elsewhere, however, Hrabanus seems free of the 'taboos' about bloodshed that (Flori 1983, 17-18) sees as forming the basis of the eighth and ninth century church's 'suspicion' of war. In *De procinctu Romanae militiae*, the extracts of Vegetius he sends to Lothar I, chapter 7 discusses how Roman soldiers were taught to strike with the point of the sword and not the edge, since it was more likely to kill.

¹⁴⁵ Hrabanus, Epistola 32 (Epp. 5 p 464) c 15 discussing such penances, contrasts the 'seditiosus tyrannus' with the 'legitimus princeps', 'qui armis contra iniquitatem certat defendere aequitatem.'

¹⁴⁶ (Erdmann 1977, 16-17).

¹⁴⁷ As (Wallach 1955) and (Thiebaux 1998) do.

¹⁴⁸ See e.g. LE 20; DVV 34.

¹⁴⁹ DIL 1-14.

¹⁵⁰ (Flori 1983, 51) says, incorrectly, that Dhuoda never uses the term *miles* (she does at the start of LM 4-8, where she hopes for William to be 'in virtutibus dignis crescens patientissime inter omnes milites'), but as he says, she does prefer other words derived from *militare*, such as the biblically-influenced *conmilites*.

¹⁵¹ LM 3-4.

¹⁵² See e.g. 2 Samuel 3:22-31, 11: 14-21, 18: 4-17, 20:7-10; 1 Kings 11:15-16.

examples, however, are not particularly noted for their role as warriors,¹⁵³ and her main contemporary model for William is the magnate at court rather than the magnate on the battlefield.¹⁵⁴ If the lay mirrors say little on warfare, however, this may simply reflect their genre. Other texts, particularly poetry and historical writing, at least implicitly provide considerable information on behavioural norms in warfare.

Participation and bravery

Carolingian nobles were clearly expected to fight on occasion.¹⁵⁵ When Gerald of Aurillac, for example, did not retaliate against his enemies, he was accused of being ‘soft and timid’ or a coward;¹⁵⁶ he was eventually forced into fighting to protect his dependants and restrain evildoers.¹⁵⁷ Ermoldus shows Louis the Pious and his counsellors discussing a possible campaign against the rebel city of Barcelona. Lupus Santio, a Basque leader argues for peace; Louis, however, prefers the advice of William, *dux* of Toulouse, that peace can only be obtained by capturing Barcelona.¹⁵⁸ Cowardice could negate the normal social order: Thegan shows Count Hugh mocked as a coward by his own household¹⁵⁹ and in *Waltharius* Walter wants both himself and Hagan to be served with drink before King Gunther, because of the latter’s half-

¹⁵³ Among her favourites are Jacob, Abraham and Isaac. There are no mentions of such Old Testament warriors as Joshua and Gideon and even Judas Maccabaeus is not mentioned in the context of warfare (LM 8-16).

¹⁵⁴ (Flori 1983, 51) concludes that in Dhuoda: ‘La fonction guerrière n’est pas valorisée, même si elle est sous-entendue.’ While this seems a little over-stated, the general thrust is correct.

¹⁵⁵ (Leyser 1984, 563): ‘A non-belligerent lay noble was a monster’.

¹⁵⁶ VG 1-24: ‘mollis esset et timidus’; 1-40: ‘Sed stultus homo ac brutus, hoc non pietati, sed ignaviae deputans’.

¹⁵⁷ VG 1-7, 1-40. Odo nevertheless stresses Gerald’s fighting skill (VG 1-5): ‘Ob hoc licet militaribus emineret officiis, delectatione tamen litterarum illectus’; even a near-pacifist nobleman must not seem militarily incompetent.

¹⁵⁸ In honorem v 162-198.

¹⁵⁹ Thegan 28. Cf. c 55 which refers to him as ‘timidus’.

hearted fighting.¹⁶⁰ Such behaviour reflected on a noble's whole ancestry: Gunther taunts Hagan as a coward like his father.¹⁶¹

Some noblemen in religious orders clearly shared this eagerness for combat.¹⁶² A number of scholarly clerics however, stressed their own incompetence or reluctance for war, in a way seemingly not available to laymen.¹⁶³ Paul the Deacon and Alcuin both asked to be excused from joining Charlemagne on campaign.¹⁶⁴ Alcuin was particularly insistent:

What can a weakling like Flaccus do among arms, a leveret among boars, a lamb among lions, a child of peace, unversed in war? While you have the teachings of the Lord God, let the coward stay at home so as not to make others afraid.¹⁶⁵

Ermoldus shows Pippin of Aquitaine laughing at his military incompetence when he takes part in the Breton campaign of 825.¹⁶⁶ Lupus of Ferrières similarly stresses his incapacity: 'As you know, I have not learned how to strike an enemy nor parry a blow, nor indeed to execute all the other duties of the infantry and cavalry'.¹⁶⁷

Yet such military incompetence and opposition to their personal participation in warfare did not necessarily imply any opposition to warfare as a whole, as some

¹⁶⁰ Waltharius v 1410-1415. Hagan's response (v 1419) is that Walter should drink before him, since he is 'fortior' than himself.

¹⁶¹ Waltharius v 629-631. As v 1067-1072 shows, Hagan bitterly resents these insults to himself and his family.

¹⁶² See e.g. Lupus, Epistola 106 (II: 138) to Abbot Odo of Corbie; Abbo II 436: 'Ebolus Mavortius abba'.

¹⁶³ Einhard, the only well-documented layman who is never shown as a warrior ((Smith 2003a, 62, 76)) does not use this theme.

¹⁶⁴ (Bullough 2003, 367).

¹⁶⁵ Alcuin, Epistola 145 (Epp. 4 pp. 234-235): 'Quid valet infirmitas Flacci inter arma? quid inter apros lepusculus? quid inter leones agniculus, in pace nutritus, edocatus, non in proeliis versatus? Dum praecepta domini Dei habetis, timidus domi remaneat, ne faciat alios timere.'

¹⁶⁶ In honorem v 2016-2019.

¹⁶⁷ Lupus, Epistola 72 (II-12): 'Ego, ut nostis, hostem ferire ac vitare non didici nec vero cetera pedestris ac equestris militiae officia exequi'. Several letters show him trying to get himself and his abbey's men exempted from campaign (see e.g. Epistolae 45, 111, I:186-193, II: 154-157).

historians have suggested.¹⁶⁸ Paul's historical writings and Ermoldus' poems hardly suggest an abhorrence of warfare. Alcuin has sometimes been seen as negative towards warfare,¹⁶⁹ but at least implicitly he probably approved of war against external *gentes*.¹⁷⁰ Lupus also makes occasional positive comments on (successful) warfare. He hopes that Charles the Bald will 'crush and defeat rebels',¹⁷¹ and describes *Dux* Gerhard's victory over the Vikings as God-given.¹⁷²

Texts often combine approval of warfare with a view that combat was not suitable for clerics. Yet their distinction normally focused on laymen and religious as a whole, not simply the nobility.¹⁷³ Other sources also show a warrior ideology which extended beyond the elite. The famous military deeds of otherwise unknown men were recorded.¹⁷⁴ Salic law punished unproven accusations of cowardice against free men.¹⁷⁵ There is a graphic illustration of the acceptability of lay warfare in Willibald's description of Boniface's martyrdom, which initially seems to be glorifying pacifism. Boniface forbids his *pueri* to fight their pagan attackers and they are then martyred without resistance. Their killers then fight among themselves over their booty. However, not all the attackers die; those who survive are then killed by a band of avenging 'Christians', who take 'as their spoil the wives and children, male and

¹⁶⁸ (Flori 1983, 75; Bullough 2003, 367-368).

¹⁶⁹ (Wallace-Hadrill 1975, 34) sees him as one of those 'preaching peace'.

¹⁷⁰ (Bullough 2003, 374).

¹⁷¹ Lupus, Epistola 31 (I-146)(from c 843): 'rebelles..., comprimētis atque vincētis.'). Epistola 37 (I:164): he sends Charles a history of the Roman emperors, commending the example of Trajan and Theodosius.

¹⁷² Lupus, Epistola 110 (II: 150).

¹⁷³ See e.g. Pope Zacharius in Codex Carolinus, Epistola 3 (Epp. 3 p 480): 'Principes et seculares homines atque bellatores convenit curam habere et sollicitudinem contra inimicorum astutiam et provinciae defensionem'. Agobard, Epistola 16 (Epp. 5, pp. 226) c 1 refers to the *ordo* of the 'seculara militia', who fight with the sword. Jonas of Orléans, *Historia translationis sancti Hucberti*, c 1: 'laicus ordo iustitiae deserviret, atque armis pacem sanctae Ecclesiae defenderet'. (Flori 1983, 41-50) wishes to see many of these references focusing only on leaders, yet these are not the terms that many authors choose.

¹⁷⁴ (Scharff 2002, 193).

¹⁷⁵ PLS 30. See (Halsall 2003, 11).

female slaves of the pagan worshippers'.¹⁷⁶ The message is clear: pacifism is only for the exceptionally holy saint, and then only in exceptional circumstances.¹⁷⁷

There are occasional passages which suggest noble opposition to peasant involvement in warfare. Regino records the massacre of an 'ignobile vulgus' by Vikings,¹⁷⁸ and on one occasion peasant resistance to the Vikings was thwarted by the Frankish elite attacking them.¹⁷⁹ Yet most Carolingian rhetoric stressed the warrior qualities of the whole *gens*. For Ermoldus it is the *Franci* as a whole who are trained for war from their youth, peace-loving but invincible in war; the very name *Francus* comes from their ferocity.¹⁸⁰ Those who fight bravely were often seen as acting 'viriliter',¹⁸¹ while until the end of the ninth century it was rare for leaders or armies to be described as behaving 'nobiliter' in battle.¹⁸² Yet intriguingly, those who fail as warriors were not called women or womanlike. Poems show the rulers of several

¹⁷⁶ Willebald, *Vita Bonifati* (p 52) c 8: 'Sicque saltim christiani, superstitiosorum tam uxoris quam etiam filiis necnon servis et ancillis depraedatis, ad propria redierunt'.

¹⁷⁷ The fact that Boniface's *pueri* were armed suggests that they were not normally pacifist.

¹⁷⁸ Regino 882: 'Nortmanni cernentes ignobile vulgus non tantum inerme, quantum disciplina militari nudatum'. Nobles were not always renowned for their military discipline themselves. See e.g. ARF Rev 782, AF 849, Nithard 1-5.

¹⁷⁹ AB 859 records how a Frankish peasant 'coniuratio' was slain 'a potentioribus nostris'. (Le Jan 2000b, 303-304) claims that there were deliberate attempts to limit those who could normally bear arms. She sees the *pagenses* who the Capitulare missorum Wormatiense of 829 (Cap. II no 192 p 16) c 13 and the Edict of Pîtres (Cap. II no 273 pp. 324-325) c 33 want to lay down their weapons at the end of a campaign as the free men of the *pagus*, in contrast to the *vassi* and nobles who keep their weapons. ((Nelson 1998b, 95-96) however, thinks that it is the count's following who are referred to here).

¹⁸⁰ In honorem v 368-379, 1406-1411. Similarly, Abbo II 316-329 celebrates the heroism of 600 *Francigeni*. (Barthélemy 1998, 168-169) wonders whether 'Franks' indicates a class or a people, but even if a certain social status is implied, there is no indication that this was restricted to nobles.

¹⁸¹ See e.g. ARF 776 (Franks); ARF 783 (Charlemagne and Franks); ARF Rev 775 (Franks); Nithard 2-1 (Louis the German); AB 842 (the armies of Louis the German and Charles the Bald at Koblenz); AB 844 (planned attack by the three brothers on Pippin, Lambert and Nominoe); AB 848 (Charles the Bald); AB 873 (Charles the Bald at siege of Angers), AF 876 (Louis the Younger); Regino 867 (Robert the Strong); Regino 883 (Louis III); Regino 888 (Odo); Regino 902 (Eberhard, Gebhard and Rudolf).

¹⁸² VK 15 and 31 (Charlemagne nobly extended the empire); Astronomer 2 (Charlemagne crossed the Pyrenees, 'animus Deo nobilitante'; Nithard 2-4 (Charles the Bald's men); Nithard 4-4: (Louis the German nobly puts down Stellinga); AF 881 (Louis III); AF(B) 896 (Arnulf and his army); AF(B) 900 (Count Liutpold and Bavarians); Regino 874 (Vurfand).

conquered peoples with their wives or families; they are not implicitly effeminate.¹⁸³ Men who do not fight or fight badly were taunted, but not explicitly called women, or womanlike, although this is common in other cultures.¹⁸⁴ Most frequently such feeble men were described as ‘hares’.¹⁸⁵

This ideology, however, seems to have changed towards the end of the ninth century. Some of the earliest examples of non-combatant laymen appear at this time, in a description of a Norman attack in 891.¹⁸⁶ The ideology of the three orders began to appear in Frankish sources, dividing laymen between *bellatores* and *laboratores*.¹⁸⁷ There also seems a change in the use of the term *inermis*. When eighth and ninth century Frankish authors use the word, it almost always refers to spiritual warfare.¹⁸⁸ In the *Vita Geraldi*, however, the meaning becomes concrete: Gerald’s use of military power is justified by his need to protect the *inermis vulgus*.¹⁸⁹ The existence of such

¹⁸³ The Kagan (in the *rhythmus* on Pippin’s victory over the Avars (PCR pp.186-191)) and Murman (In honorem v 1418-); similarly we are also shown Attila’s wife in Waltharius.

¹⁸⁴ See e.g. Walter on Gunther (Waltharius 1413-1415): ‘Postremum volo Guntharius bibat utpote segnis / inter magnanimum qui paruit arma virorum / et qui Martis opus tepide atque enerviter egit.’ Abbo I 125-132: the Danes who flee the siege of Paris are reproached by their womenfolk, but as feeble gluttons, not women; cf AF 872, when cowardly counts are beaten by Moravian women. This contrasts with Virgil, Aeneid IX v 617, where Turnus insults the Trojans: ‘o uere Phrygiae, neque enim Phryges’.

¹⁸⁵ AF 875 calls Charles the Bald ‘lepore timidior’; Alcuin, Epistola 145 (Epp. 4 p 234-235) calls himself a ‘lepusculus’ when trying to avoid campaigning; PLS 30-5 makes calling a man a ‘lepus’ an offence.

¹⁸⁶ In the *Libellus miraculorum Sancti Bertini* c 7 the warriors (*nobiliores cum inferioribus* and also also called *bellatores*) are assisted by the prayers of *oratores* and *pauperes* (who are also described as an *inbelle vulgus*). As (Flori 1983, 58) points out, the passage is distinctive in the accent it places on the masculinity of the non-combatants.

¹⁸⁷ (Iogna-Prat 1986).

¹⁸⁸ See e.g. Alcuin, Epistola 168 (Epp. 4 pp. 276-277) to the monks of Salzburg: ‘Quapropter armate vosmetipsos in scientia veritatis, sentiis evangelicae auctoritatis, ut resistere valeatis contradicentibus veritatem. Quomodo pugnat inermis?’; John Scottus Eriugena, De diuina praedestinatione liber 1-3: ‘Ne igitur defensores ueritatis inermes cum assertoribus falsitatis confligere uideamur, non incongrue regulis disputatoriae artis utemur.’

¹⁸⁹ VG 1-7: ‘satiuss esse temerarios vi bellica premi, quam pagenses et inermes ab eisdem injuste opprimi’; 1-8: ‘Licuit igitur laico homini in ordine pugnantium posito gladium portare, ut inermis vulgus...defensaret.’

‘unarmed’ social groups and their need for protection became one of the key ideas of the Peace of God movement.¹⁹⁰

Dominic Barthélemy sees a ‘chivalric’ ideology developing which contrasts the fidelity and courage of nobles with the infidelity of serfs. He admits that some non-nobles are shown behaving bravely in battle, but claims that those who do so are invariably killed, showing a concern to maintain the social order.¹⁹¹ Yet it is not clear that Notker’s two bastards from a Burgundian brothel, who fight bravely against the Saxons, do actually die.¹⁹² The only non-noble heroes in Ermoldus perish,¹⁹³ but although Abbo shows a number of brave *milites* dying, a few seemingly survive.¹⁹⁴ There are occasional references to the *populus* as cowardly, but the contrast with the nobility is not absolute. For example, Abbo reports how the *vulgus* supporting Ebolus flee when he is attacking a Viking camp. The *heros* Ebolus and his *socii* remain, but then retreat ‘quia militibus caruit.’¹⁹⁵

The limits of prowess

As Ebolus’ example and others show, despite the emphasis on military activity, prowess, even for nobles, was not all,¹⁹⁶ a willingness to fight was not required in all circumstances. Annalists often condemned reckless behaviour,¹⁹⁷ while

¹⁹⁰ (Goetz 1992, 266-267).

¹⁹¹ (Barthélemy 1998, 167-168).

¹⁹² Notker 2-4: indignant at being asked to serve in Charlemagne’s chamber, the bastards go out ‘et tumultu concitato, suo vel hostium sanguine servitutis notam diluerunt.’

¹⁹³ In honorem v 1717-1720 (Coslus and his ‘puer’).

¹⁹⁴ The twelve heroes of the Petit-Pont (who all die) are called *milites* (Abbo I 551, 557). The *miles* Gerbold (II 250-253) is not shown as dying, nor is Stephen (II 562-565).

¹⁹⁵ Abbo I 610-617.

¹⁹⁶ Cf (Aird 1999, 48): ‘Neither did acts of reckless bravery make the man, for, far from being seen as the actions of adult male warriors, they were, paradoxically, the occasion for criticism...Criticism was often levelled at young knights who recklessly charged into battle without heeding the wiser counsel of their elders.’

¹⁹⁷ See e.g. ARF Rev 782 (Süntel mountains); AF 849 (attack on Bohemians); Regino 867 (Robert the Strong); AB 871 (Abbot Hugh of St Martin); AV 886 (Henry, Duke of the Austrasians).

approving a prudent reluctance to fight in particularly dangerous situations.¹⁹⁸ A clear example of this is the reported speech of a Christian Viking to the Frisians he was leading. Faced with a besieged group of enemy Vikings, he advises:

O my good fellow-soldiers, it is enough for us to have fought thus far, for it is not due to our strength but to God's that we few have prevailed against so many enemies. You know also that we are absolutely exhausted and many of us are seriously wounded; those who lie here within are in desperation. If we begin to fight against them, we shall not defeat them without bloodshed; if they turn out to be stronger - for the outcome of battle is uncertain - then perhaps they will overcome us and depart in safety, still able to do us harm.¹⁹⁹

He therefore advised allowing some to return to their ships, with the rest kept as hostages, until they handed over all the money in their ships, and swore never to return to the kingdom. This advice was followed and the Vikings are reported as returning home 'with great shame and loss'.²⁰⁰

A similar attitude is seen in poetry, such as *Waltharius*.²⁰¹ The Franks, although a 'gens tam fortis',²⁰² submit without a fight to the overwhelming might of the Huns; the Frankish council unanimously agree that surrender is better than losing everything in a catastrophic defeat.²⁰³ When Walter escapes from Attila's court with some of the treasure, no Hun will pursue him, even when Attila offers a reward. The Huns are not described as cowards, but none dares face Walter.²⁰⁴ Walter, meanwhile

¹⁹⁸ AB 845 justifies Charles the Bald paying off the Danes, saying 'Quibus cum Karolus occurrere moliretur, sed praeualere suos nullatenus posse perspiceret'; AF 849 praises Thaculf for trying to make terms with the Bohemians.

¹⁹⁹ AF 873: 'O boni commilitones, sufficit nobis huc usque pugnasse, quia, quod modo nos pauci contra plurimos praevaluimus hostes, non nostris deputandum est viribus, sed Dei gratiae. Scitis etiam, quod oppido lassi sumus et plurimi nostrum graviter vulnerati; isti autem, qui hic intus latitant, in desperatione positi sunt. Si contra eos pugnare coeperimus, non eos sine cruenta obtinebimus victoria; si autem illi fortiores extiterint, - varius enim eventus est proelii, - forsitan nobis expugnatis securi discedent iterum nocituri.'

²⁰⁰ AF 873: 'cura magna confusione ac sui detrimento'.

²⁰¹ This contrasts with what (Kaeuper 2000, 33) calls the 'worship of prowess' in chivalric literature.

²⁰² *Waltharius* v 58.

²⁰³ *Waltharius* v 20-26.

²⁰⁴ *Waltharius* v 408-418.

is equally circumspect. He does not attack Attila, but escapes secretly. When faced with fighting a mere twelve other warriors, he first tries to negotiate with them. Even after killing some, he still tries to stop the fight.²⁰⁵ Similarly, Hagan's reluctance to fight and his repeated insistence that Walter cannot be defeated,²⁰⁶ does not diminish him in Walter's eyes,²⁰⁷ and presumably neither in those of the audience.

Prowess in *Waltharius* and elsewhere is not solely about willingness to fight or even a lack of fear: it is about results. Gunther who, unlike the Huns, is prepared to fight Walter, though unfairly, is shown as a coward.²⁰⁸ It is not merely that he is frightened ('leti terror' is felt by Walter and Hagan as well)²⁰⁹ but that his fear makes him ridiculous and incompetent. Gerald of Aurillac's bizarre way of fighting, with reversed weapons, becomes acceptable to his men because he wins.²¹⁰

Heroic death

Clare Lees, writing on masculinity in Beowulf says: 'Finally he [Beowulf] is only one more dead but praiseworthy man - warrior and king: the only good hero, after all, is a dead one.'²¹¹ Such an attitude is not visible in Carolingian texts: unlike in Anglo-Saxon literature, there are relatively few heroic deaths.²¹² Instead defeats are portrayed very negatively, with deaths seen only as a loss.²¹³ The only known

²⁰⁵ *Waltharius* v 1262-1263. In contrast, knights in romances can sometimes seem almost insanely eager to fight: see e.g. (Kaeuper 2000, 24-25) on 'Sagremore's busy day'.

²⁰⁶ See e.g. *Waltharius* v. 519-529, 617-622, 852, 1102-1106.

²⁰⁷ *Waltharius* v 1411: Walter calls him 'athleta bonus'.

²⁰⁸ *Waltharius* v 1325-1326, 1413-1415.

²⁰⁹ *Waltharius* v 1344-1345.

²¹⁰ VG I-8: 'Cum ergo viderent quod novo praeliandi genere mista pietate triumpharet, irrisionem vertebant in admirationem.'

²¹¹ (Lees 1994a, 146).

²¹² As elsewhere in this thesis, I focus on moral norms, not actual practice. Dying with one's lord or preferring death in battle to flight are often not militarily useful, but can be an ideological tool for inspiring warriors ((Woolf 1976, 71; Benton 1978-79, 245-246)).

²¹³ See, e.g. ARF Rev 778 (Roncesvalles); ARF 824 (Roncesvalles); AB 834 (expedition against Lothar); AB 844 (Angoulême); AB 845 (Ballon); AB 876 (Andernach); AF 849 (Bohemian campaign).

Carolingian poem on the defeat at Roncesvalles in 778 is Eggihard's epitaph, which says nothing of any heroism.²¹⁴ (Although the *Chanson de Roland* is sometimes seen as having Carolingian roots, there is no definite evidence of any such poem in the period.)²¹⁵ The deaths in the Avar campaign of 799 of Gerald, the governor of Bavaria and Eric of Friuli were seen as very significant.²¹⁶ Yet neither of their epitaphs stress the heroism of their death.²¹⁷ Walafrid Strabo calls Gerald a martyr in the *Visio Wettini*, but describes his death in one line.²¹⁸

Angelbert's poem on Fontenoy is almost the only Carolingian poems to show any sign that a battle itself is a tragedy. The one heroic figure shown, however is Lothar, Angelbert's king, and he is seen as victorious:

From the height of the hill I looked down into the valley's depths
where the brave king Lothar was vanquishing his enemies
who fled to the other side of the brook.²¹⁹

Lothar's actual defeat (which Angelbert blames on the cowardice and betrayal of his *duces*) is not shown in the poem: it is only Charles' and Louis' dead we specifically 'see'.²²⁰

²¹⁴ (Scharff 2002, 207-208).

²¹⁵ See summary in (Hemming 1993, xviii-xxv). There has been much debate on the statement of Astronomer c 2 about those who died at Roncesvalles that 'Quorum, quia vulgata sunt, nomina dicere supersedi'. (Scharff 2002, 207-208) sees a deliberate refusal not to link the names of the dead with a painful defeat. Even if the sentence does refer to other (popular) accounts of the battle, this still provides no proof that the deaths were remembered as heroic, rather than merely tragic. (As a more general point, the heroic reconfiguration of this defeat into the pattern seen in the *Chanson* requires both a change in the opponents and the redefining of warfare against the Saracens as 'holy'. Such a transformation seems unlikely before the late ninth century at the earliest.)

²¹⁶ See e.g. Alcuin, Epistola 198 (Epp. 4 pp. 327-329); VK 13.

²¹⁷ Poet. I p 114 (Gerald); Paulinus, Carmen 2 (Poet. I pp. 131-133) (Eric). The epitaphs of Hugh and Nithard are similar, (Poet. II pp. 139-140; Poet. III, pp. 310-311).

²¹⁸ *Visio Wettini* v 823: 'Hoc cecidit bello, populo certante, Geroldus.'

²¹⁹ Angelbert, Versus de bella quae fuit acta Fontaneto, (PCR pp. 262-265) Stanza 9:

'Ima vallis retrospecti in collis cacumine,
Ubi suos inimicos rex fortis Hlotharius
Debellabat fugientes usque foras rivulum.'

²²⁰ PCR p 264, Stanza 10:

'Karoli de parte vero Hludovici pariter

A similar attitude is seen in *Waltharius*, which has few ‘historical’ constraints on its portrayal of death. Gunther’s men could easily be portrayed as heroically (if misguidedly) sacrificing themselves from loyalty to him; instead they are shown as arrogant, greedy warriors. The only tragic death is Batafrid’s, but his tragedy is precisely that he makes the wrong choice and seeks a hopeless battle, even when advised against it. Hagan’s despair about his nephew is clear, who: ‘En caecus mortem properat gustare nefandam / et vili pro laude cupit descendere ad umbras’.²²¹ Hagan eventually decides to fight Walter himself, but he is unenthusiastic about this, since he knows Walter’s prowess.²²² *Waltharius*’s main celebration is of the successful hero rather than heroic defeat. At the end of the poem, Walter returns triumphantly to Aquitaine;²²³ although he has lost his right hand, Hagan’s banter shows him still able to hunt, fight and marry, i.e. to function in a full secular role.²²⁴

Ermoldus Nigellus specifically ridicules the ideal of dying in battle for one’s country in his portrayal of Murman, the Breton king. Before the campaign of 818, there are failed negotiations in which Louis’ envoy Abbot Wichar urges him to submit, for the sake of his *patria* and *populus*.²²⁵ If Murman refuses peace, the Franks will invade his lands:

They will fill up your lands with troops
and lead you and your men captive into their kingdoms;
or wretched you will die, and you will lie alone, on the sand which drinks up
blood
and the victor, rejoicing will have your arms.²²⁶

Albescunt campi vestimentis mortuorum lineis...’

²²¹ *Waltharius* v 870-871.

²²² *Waltharius* v 1100: ‘Quis tam desipiens quandoque fuisse probatur, / qui saltu baratrum sponte attemptarit apertum?’

²²³ Some scholars (see e.g. (Jones 1959, 18)) have seen this ending as unsatisfactory and presumed that the story should have a tragic ending.

²²⁴ *Waltharius* v 1425-1434.

²²⁵ *In honorem* v 1386-1389.

²²⁶ *In honorem* v 1486-1489:

Et tua densatim complebunt milite rura
Teque tuos captos in sua regna ferent;
Aut moriere miser bibulaque jacebis harena

Wichar thus sees surrendering to an overwhelming force as ‘patriotic’, using Virgilian heroes in order to argue *against* heroic resistance by the Bretons.²²⁷ Murman, however, resists; when the Franks invade, he laments his troops’ performance:

O virtue of the country, O former noble fame of the ancestors,
Alas now, remembered in vain, is shamed.
Behold! See the wretched citizens rely on the woods,
Nor do they dare to inflict war on the enemy camp.²²⁸

He then makes a futile attempt to find and attack Louis the Pious himself, ‘pro patriae laude proque salute soli’.²²⁹ Instead, he is killed by a non-noble Frank.²³⁰ The Breton king is clearly a derisory figure in the poem, even though he has died for his country, and could be seen as redeeming the *virtus patriae*.

Murman’s attitudes suggest a contrast between Breton and Frankish attitudes to heroic death: intriguingly, Regino, in a passage probably drawing on Breton sources,²³¹ describes similar attitudes. Vurfand, a Breton *dux* contesting the succession to Salomon, prefers to fight his rival Pasquitan’s far stronger army, even though his own troops are telling him to escape. He declares that he will never run away: ‘Melius nobiliter mori, quam ignominia vitam servare.’²³² Regino also describes how Vurfand had previously defied a Viking army with only his own 200 men and how he leads his army to victory even on his deathbed.²³³ In contrast, Regino elsewhere in his work shows several other military events which he (or his non-

Solus, et arma tua victor habebit ovans .

²²⁷ In honorem v 1394-1399: Murman is Turnus to Louis’ Aeneas.

²²⁸ In honorem v 1650-1653:

O patriae virtus, o quondam fama parentum
Nobilis, heu frustra jam memorata pudet.
Cernitis en miseros silvis confidere cives,
Nec campis audent hostibus arma dare.

²²⁹ In honorem v 1663.

²³⁰ In honorem v 1689. Coslus, the Frank, is himself killed as he decapitates Murman, but Ermoldus’ comment (v 1717): ‘Victor et incautus, eheu! Cosle, peris.’ implies that his death is not seen as heroic, even if his previous deed is.

²³¹ (Werner 1959, 109).

²³² Regino 874. He is, in fact, victorious.

²³³ Regino 874.

Breton sources) could choose to present as heroic defiance or glorious death, but does not.²³⁴

Only two Frankish sources before 850 show men choosing to die in battle rather than flee. One is the battle of the Süntel Mountains in 782. The original version of the Royal Frankish Annals claims the Franks were successful, and describes them as fighting 'fortiter'. The revised version shows a Frankish defeat, due to a premature and badly planned attack. It comments: 'Since the approach had gone badly, the battle was also fought badly.'²³⁵ Some men then chose to die with their lords, but others are reported as escaping.²³⁶ There is certainly no attempt to glorify the loyalty of those who remained; they appear almost as an embarrassment.

In contrast, Nithard claims that at a low point in Charles the Bald's fortunes, his supporters 'chose to die nobly rather than betray and abandon their king.'²³⁷ Here, behaviour mentioned only in passing in 782 is seen specifically as noble. More frequent references to heroic death also start to appear in Carolingian sources in the 860s. These appear in epic poetry and annals: the same genres as before, but showing a different attitude.²³⁸

These relatively few depictions of heroic deaths seem peculiar, especially in genres which draw heavily on classical and Biblical models of epic and

²³⁴ Regino 867 does not show Robert the Strong's death as heroic (unlike AF 867). Regino 871: Duke Adalgisus attacks the palace where Louis II is staying. Louis immediately arms himself and goes with his few men to guard the threshold: a classic theme from epic. However, when Adalgisus gives orders to set fire to the palace, Louis asks to make peace. The death of Henry, *marchio* of the eastern Franks in Regino 887 is similarly devoid of the heroic colour it could be given. Henry, while out scouting the Viking camp, is provoked by some of the *latrunculi* into attacking them. He falls into one of the protective ditches the Vikings have dug and is promptly killed and despoiled.

²³⁵ ARF Rev 782: 'Quo cum esset male perventum, male etiam pugnatum est'.

²³⁶ ARF Rev 782: 'Qui tamen evadere potuerunt...in Theoderici castra...fugiendo pervenerunt. Sed maior Francis quam pro numero iactura fuit, quia legatorum duo, Adalgisus et Geilo, comitum quattuor aliorumque clarorum atque nobilium usque ad viginti interfecti, praeter ceteros, qui hos secuti potius cum eis perire quam post eos vivere maluerunt.

²³⁷ Nithard 2-4: 'elegerunt potius nobiliter mori quam regem proditum derelinquere.'

²³⁸ Annales Engolismenses 863 (Turpio); AF 867 (Robert the Strong); AF 872 (army under Arn); AV 888 (Teutbert). Abbo includes some heroic deaths of nobles as well as those of lower ranks e.g. Robert Faretratus (Abbo I 442-451) and Teutbert (II 456-466).

historiography, with their traditions of heroic death.²³⁹ A possible explanation comes from a comparison with Anglo-Saxon literature, since many scholars have discussed heroic death in these texts.²⁴⁰ Recent research has stressed the constructed nature of heroic death in texts such as *The Battle of Maldon*, rather than seeing such texts as simply reflecting pre-existing moral norms.²⁴¹ In one of the most far-reaching discussions, Hill argues for the deliberate development of an 'Alfredian' ideology of kingship, lordship and retainership from the late ninth century. To him, the Maldon poem 'is the completion of a stunning, new ideology of retainership and loyalty in the face of overwhelmingly triumphant lordship.'²⁴²

In Francia, however, there was already a consistent ideology of kingship from the late eighth century, which stressed the triumphal rule of the Carolingians, their identification with the Franks and the importance of fidelity to the king.²⁴³ This ideology was developed largely during a period of military success and expansion.²⁴⁴ Frankish sources only treat death in battle as heroic in times of crisis, as a means of drawing good out of bad.²⁴⁵ In contrast, while 'Alfredian' ideology had some victories to celebrate, it also had the challenge of creating a 'triumph' from the events of 991.²⁴⁶

²³⁹ One model, as (Nelson 1999b, 2-3) shows, is the Maccabees.

²⁴⁰ See e.g. (Harris 1993; Fanning 1997).

²⁴¹ (Woolf 1976; Frank 1991).

²⁴² (Hill 2000, 130).

²⁴³ (McKitterick 1997a, 116-). (Hill 2000, 138) describes the author of the 'Battle of Brunanburh' as 'the exultant poet of absolute victory over rightly savaged foes', a phrase which could apply to much Carolingian poetry.

²⁴⁴ Much of the basis of this ideology seems to have been laid between 750 and the early 820s, with later works largely drawing on the same themes. (McCormick 1986, 369): 'Victory was an essential characteristic of Carolingian kingship as it was portrayed in art, literature and ceremony.'

²⁴⁵ The majority of the heroic deaths that are referred to are against the Vikings.

²⁴⁶ (Hill 2000, 127-128).

Conventions of war

Carolingian rulers were concerned both to regulate warfare and wider military activities. Some capitularies, for example, legislated about armed followings, (*conturbia, trustes, collecta*), though it seems likely that they did not wish to prohibit the elite having such bands, only their misuse.²⁴⁷ There were frequent orders about mobilisation of troops,²⁴⁸ and much concern about military discipline on the march and in camp.²⁴⁹ This concern had a practical element, but there were also spiritual issues: an army needed to please God to ensure victory.²⁵⁰ What is very rarely visible, however, is concern about the behaviour of Frankish troops in enemy territory or during battles.²⁵¹ The texts that might be expected to give most instruction, the two known 'military sermons',²⁵² focus largely on the need for confession, avoiding sin and performing good works. Only a few specific ethical demands are made: that soldiers avoid 'dissentionis atque discordiae malum',²⁵³ that they do not commit 'rapinae' on the journey, but reverently take only necessities, and that they fight 'non pro lucrum terrenum nec pro pompa saeculare...sed pro defensione christiani nominis et ecclesiarum dei'.²⁵⁴ These read mainly like a moralised version of some of the capitularies' concerns.

²⁴⁷ (Le Jan 1995, 129-130) and (Nelson 1996, 88-89) list the legislation. The seemingly absolute ban on *trustes* in the Capitulary of Herstal (779) and the Breviarum missorum aquitanicum (789) is problematic, given the clear later evidence for the acceptance of armed followings. Le Jan wants to distinguish between *trustes* and more 'vertical' relationships between lords and 'housed' *vassi*, but the terminology of the sources is insufficiently precise to justify this distinction. Nelson argues that Charlemagne was only trying to suppress *trustes* in Saxony and Aquitaine. (Reuter 1985, 82-83) simply concludes that restriction must have been intended rather than absolute bans.

²⁴⁸ (Halsall 2003, 93-96).

²⁴⁹ (Nelson 1996, 89).

²⁵⁰ (Halsall 2003, 152-153).

²⁵¹ The 'ritualization' of ninth century warfare that (Nelson 1998b) discusses is largely concerned with behaviour before and after the battle, not during it. (Halsall 2003, 142) suggests norms of warfare were never clearly articulated: he provides little evidence that any actually existed in Francia.

²⁵² (Koeniger 1918, 68-74) gives the texts; (Bachrach 2003b, 49-55) discusses the dating and audience.

²⁵³ (Koeniger 1918, 71).

²⁵⁴ (Koeniger 1918, 73).

The occasional military ‘conventions’ that some texts mention are ignored by other moralists. Ermoldus shows Louis the Pious warning his troops to spare Breton churches, but such attacks could be acceptable in other circumstances.²⁵⁵ Despite the condemnation of Louis the Pious undertaking a campaign in Lent, elsewhere such activity is implicitly approved.²⁵⁶ The annals show a wide range of ‘acceptable’ tactics, such as ambushes and the use of women and children as hostages.²⁵⁷ Such tactics were acceptable, however, only for the author’s heroes, while similar behaviour by opponents was condemned.²⁵⁸ According to the Royal Frankish Annals, the Pope even absolved the Franks in advance of a proposed attack on Tassilo in 787.²⁵⁹

It is hard to know how literally to take the frequent reports of the Franks ‘devastating’ their enemies’ territory: Thomas Scharff has shown the important

²⁵⁵ In honorem v 1592-1593. Cf. *Constitutio de expeditione Beneventana* 866 (Cap. II no 218) c 8: ‘Et quia etiam temporis congruentia imminet quadragesimale...constituimus, ut, quicumque ecclesiam Dei fregerit, adulteria et incendia fecerit, vitae incurrat periculum.’ Lothar I’s opponents accused him of burning or plundering churches (Nithard 1-5, AB 841). However Abbo II 322-325 shows Franks massacring fleeing Danes who have taken refuge in Paris churches and in Regino 867 Franks plan to use siege weapons on Vikings trapped in a stone basilica.

²⁵⁶ *Episcoporum de poenitentia, quam Hludowicus imperator professus est, relatio Compendiensis* 833 (Cap. II no 197 p 54) c 3, which adds that this was done ‘sine ulla utilitate publica aut certa necessitate’. Cf. AB 854. In honorem v 564-565: the siege of Barcelona ended on Easter Saturday. Charles the Bald campaigned in Lent 841 and 842 (Nithard 2-6, 3-7).

²⁵⁷ See e.g. AF(B) 882; Astronomer 18. Cf. Alcuin, *Epistola* 149 (Epp. 4 p 242): ‘Nam tria videntur in hoste considerata: virtus, dolus, pax. Primo, an publica virtute vinci valeat adversarius. Sin autem, ad fraudes et ingenia doli res referenda sit.’ Peace is to be sought only if these approaches fail.

²⁵⁸ In honorem v 1614 calls the Breton techniques of guerrilla warfare ‘bella inproba’. ARF Rev 778 comments on the battle of Roncevaux; that although the Franks were superior to the Basques ‘tam armis quam animis’, their defeat was due to the terrain and the ‘genus inparis pugnae’. AF 876 refers to Charles the Bald’s surprise attack as ‘insidiae’. Cf. (Halsall 1992).

²⁵⁹ ARF 787: if Tassilo does not obey ‘tunc domnus Carolus rex et suus exercitus absoluti fuissent ab omni periculo peccati, et quicquid in ipsa terra factum eveniebat in incendiis aut in homicidiis vel in quaecumque malitia, ut hoc super Tassilonem et eius consentaneis evenisset et domnus rex Carolus ac Franci innoxii ab omni culpa exinde permansissent.’ ((Becher 1993, 58-63), who rejects much of what the Royal Frankish Annals say about Tassilo, does not specifically suspect this statement.)

symbolic meaning of ‘vastatio’ as implying claims to and control of land.²⁶⁰ However, there is a chilling account in the Fulda annals. The annal for 850 gives a long and emotional account of the sufferings of the Germans during a serious famine. The annal for 851 records how Louis the German responded to Sorb raids: ‘He tamed them, after they had lost their harvests and the hope of food, rather through hunger than through fighting.’²⁶¹

Plundering

One specific aspect of behaviour on campaign that could arouse comment was plundering. There was biblical justification for such behaviour,²⁶² although a few early Christian authors, such as Maximus of Turin, did argue that soldiers should not fight for plunder.²⁶³ Most Carolingian moralists were positive: as Reuter comments, for the eighth century Franks ‘victory and plunder were more or less coterminous’.²⁶⁴ Court poetry and annals also stress this aspect of warfare.²⁶⁵ One of the most positive views of plundering is seen in Einhard. He reports on the Avar wars:

so much precious booty was captured in their battles, that it might be rightly believed, that they had justly snatched from the Huns what the Huns had unjustly snatched from other nations.²⁶⁶

²⁶⁰ (Scharff 2002, 138-144).

²⁶¹ AF 851: ‘perditisque frugibus et omni spe victus adempta magis eos fame quam ferro perdomuit.’ Regino 871 describes how Louis II devastated the rebellious city of Capua ‘cuncta hostili rapacitate’, including the destruction of vines, olives and fruit-trees, but he then goes on to praise Louis’ *miser cordia* in accepting the Capuans’ surrender.

²⁶² (Crépin 1996, 17-18): Bede compares King Ethelfrith of Northumbria to the plundering Israelites. AB 876, describing Andernach, cites Isaiah 33: 1 on how plunderers are plundered themselves.

²⁶³ Maximus of Turin, Sermo 26 (p 101): ‘Non enim militare delictum est, sed propter praedam militare peccatum’. (Maximus includes being a soldier as one aspect of the public service of the ‘militia’).

²⁶⁴ (Reuter 1985, 76). (Bachrach 2001, chapter 1) plays down the importance of plunder as motivating rulers to war, but admits its significance for soldiers (pp. 138-140).

²⁶⁵ Hibernicus Exul, Carmen 2, v. 7 (PCR p. 174) describes horses ‘Ardua barbarico gestantes colla sub auro’. In honorem v. 572-575 describes the treasures brought back from the conquest of Barcelona.

²⁶⁶ VK 13: ‘tot spolia pretiosa in proeliis sublata, ut merito credi possit hoc Francos Hunis iuste eripuisse, quod Huni prius aliis gentibus iniuste eripuerunt.’

As Leyser comments: 'it was the sheer size of the booty that justified it and the war.'²⁶⁷ It is against this background that the ethics of the treasure in *Waltharius* should be considered. Scholars have often stressed the poem's emphasis on the dangers of greed.²⁶⁸ Kratz argued that Walter therefore has to be seen as an anti-hero, condemned by the writer for his desire for treasure, when, for example, he despoils his victims.²⁶⁹ However, Einhard's attitude suggests that a noble audience would probably have applauded Walter's behaviour. What is condemned in the poem is not desire for treasure, but excessive greed.²⁷⁰ Hagan, for example, laments:

O whirlpool of the world, voracious lust of having,
 Abyss of avarice, the root of every evil!
 O dreadful one, if you would gulp down only gold
 And other riches, letting men escape unharmed!²⁷¹

Similarly, the poet says ironically after Walter, Hagan and Gunther are all seriously wounded: 'sic sic armillas partiti sunt Avarenses!'²⁷² Walter, however, seemingly keeps the treasure, and returns to success at home, strongly suggesting that his possession of the gold is not seen as an offence, which needs to be redeemed by giving it away.²⁷³

Only a few Carolingian authors seem to worry about such plundering. Paulinus in the *Liber exhortationis* compares the rejoicing of the *miles terrenus* at

²⁶⁷ (Leyser 1994, 191).

²⁶⁸ (Wehrli 1965, 69-70; Kratz 1980, 37).

²⁶⁹ (Kratz 1984, xx-xxi).

²⁷⁰ Cf. Chapter 3, p 175.

²⁷¹ *Waltharius*, v 857-860:

'O vortex mundi, fames insatiatus habendi,
 gurgis avaritiae, cunctorum fibra malorum!
 O utinam solum gluttires dira metallum
 Divitiasque alias, homines impune remittens!'

²⁷² *Waltharius* v 1404. Walter earlier offers to share the treasure, but is rebuffed (v 660-665, 1260-1276).

²⁷³ *Waltharius* v 1446-1452. There is no specific mention of the treasure after the final battle, which suggests that Walter keeps it.

receiving treasure with the joy of thieves and adulterers.²⁷⁴ This comment and an unusual concern about worldly wealth in this mirror,²⁷⁵ may reflect the circumstances of the writing. The text was probably written shortly after the Carolingian plundering of the Avars, addressing Eric of Friuli, who had led this campaign;²⁷⁶ Paulinus himself seems to have been given some of the spoils.²⁷⁷ The other lay mirrors have nothing to say about plundering, positive or negative. The demand in one military sermon that soldiers fight for the defence of the church, not earthly wealth,²⁷⁸ presumably did not rule out actually taking it as a by-product.

The situation became more complicated when wars were being conducted within the Frankish kingdom. On some occasions Franks could legitimately plunder other Franks.²⁷⁹ Complaints about plunder and destruction during these kinds of campaign were often directed at opponents.²⁸⁰ Complaints about a moralist's 'own' side plundering seem to have focused on campaigns that were already seen as wrongful or unsuccessful.²⁸¹ Odo, in the *Vita Geraldi* is the first to show plundering by one's own men as more generally problematic. He describes a campaign in which Gerald was supporting Duke William of Aquitaine. The soldiers' *stipendium* ran out and others in the army turn to plundering; Gerald's men, forbidden to do this, suffered

²⁷⁴ LE 11: 'Gaudet miles terrenus acquisisse honores hujus saeculi perituros, vestes pulchras, et speciosas armillas brachio circumdatas, coronam capiti impositam: et tale gaudium non est aeternum, sed perituum...Et cum sit gaudere bonum, de his atque hujusmodi tamen gaudere grande malum est, et perducens ad mortem peccati.' There may also be social overtones in Paulinus' criticism of the *miles*, especially given the references to a crown and to *armillae* (which could be worn as 'badges of rank' during campaigns, according to (Leyser 1993, 93)).

²⁷⁵ See Chapter 3, p 176.

²⁷⁶ (De Nicola 1988, 45-46) dates the text to Aug 796-Sep 799. Alcuin, Epistola 98 (Epp. 4 p 142) from 796 says he would write more to Eric about Christian piety if it were not that Paulinus was at hand.

²⁷⁷ Alcuin, Epistola 96 (Epp. 4 p 140) from 796 refers to Queen Liutgard sending him two *armillae*, normally assumed to be from the Avar treasure.

²⁷⁸ See above p 76.

²⁷⁹ See e.g. Annales Mettenses priores 690; Nithard 3-1; AB 876; AF 876.

²⁸⁰ See e.g. AB 841 on Lothar; AB 879 on Louis the Younger.

²⁸¹ See e.g. AB 854, 866, 868, 876 on Charles the Bald; Karolomanni capitulare Vernense 884 (Cap. II no 287 p 372): 'Nos vero praedamur fratres nostros, et idcirco pagani merito nos nostramque substantiam depraedantur.'

‘non modica penuria’. Gerald, however, remained with William and while some mocked him, others admired his moral superiority.²⁸² Here, as frequently in this text, Odo finds ordinary lay morality wanting, but ultimately fudges the issue; plundering is not suitable for saints, but nor is it completely condemned.

Chivalry

The behaviour in war so far discussed shows few social distinctions between nobles and warriors of lower status. Finally, I want to look at two areas which later chivalric codes do stress as markers of social status: the use of and response to insults and the treatment of high-status enemies.

Poetry and annals both show that taunts against other warriors were still an acceptable part of warrior behaviour; ‘courteous speech’ was not yet required in battle.²⁸³ Sedulius, unusually, stresses that one should not rejoice over a fallen enemy,²⁸⁴ although he does precisely this in some of his poems.²⁸⁵ Jaeger claims that the rise of chivalry introduced a new restraint on the part of warriors; violence was no longer the immediate response to insults.²⁸⁶ Yet the sources do not suggest such a change. Walter reacts angrily when insulted, but continues to negotiate with Gunther and only fights when he is actually attacked.²⁸⁷ In other Carolingian sources insults

²⁸² VG 1-33: ‘Ridebant hoc nonnulli, quod aliis de praeda lascivientibus ipse cum suis indigeret. Multi quidem quibus erat sanior intellectus, illum beatificabant, altius gementes quod ad hunc imitandum idonei non essent.’

²⁸³ Walter frequently taunts his opponents in Waltharius e.g. v 654, 764-769 (accompanied by ‘cachinnus), v 979-980, v 1435-1438; Abbo I 105-106: the Franks taunt the retreating Danes; Notker 2-12: Eishere mocks the Slavs as ‘ranunculi’ and ‘vermiculi’.

²⁸⁴ LRC 17: ‘non laetaris super inimici tui interitu’.

²⁸⁵ See e.g. Sedulius, Carmen II-25 (Poet. III p 191) v 37-40:

‘Dentibus infremuit, vultu nasoque superbo
Ismahelita cadens, dentibus infremuit.
Subdere colla gemit hostilis et horrida turma,
Almis Francigenis subdere colla gemit.’

²⁸⁶ (Jaeger, 12-13, 137-139).

²⁸⁷ Waltharius v 591-673.

are only revenged when a state of war already exists.²⁸⁸ The violent conflicts we see between magnates are normally explained by the sources in political terms.²⁸⁹ In contrast, in some romances, knights who are insulted go to extremes to revenge this.²⁹⁰

The treatment of defeated high status opponents shows something of a disjunction.²⁹¹ Carolingian rulers generally treated noble rebels and rivals for the throne with relative mercy. Few nobles were executed or blinded for rebellion,²⁹² and there were usually at least some attempts at legal process before such a judgement.²⁹³ Few members of the royal dynasty were deliberately killed.²⁹⁴ Similarly, captured or surrendered enemy leaders were often spared, whether Christians or not.²⁹⁵ These however, were politically motivated acts of mercy by rulers. In actual battles and their aftermath, the evidence for mercy being shown is mixed. Burying of the enemy dead, for example, is several times seen as exceptional.²⁹⁶ Einhard reports ‘very many’

²⁸⁸ See e.g. In honorem v 388-403; Regino 887: Vikings provoke Henry ‘telis et voce’. As a parallel it is interesting that Beowulf is not shown as fighting Unferth, despite the insults he receives from him (Beowulf v 499-594).

²⁸⁹ One exception is the Conradine and Bamberger feud, which Regino 897 describes as arising ‘ex parvis minimisque rebus’.

²⁹⁰ For example, in Chrétien de Troyes, Erec et Enide (v 205-276) Erec tries to talk to a knight and is insulted and injured by a dwarf accompanying the knight. Erec does not immediately respond by fighting, since he is unarmed, but instead abandons the queen, whom he is escorting, in order to chase after the knight and attack him later.

²⁹¹ Those outside this privileged group could be treated with extreme ferocity, most notably the 4500 Saxons killed in 782 (ARF Rev 782). On the enslavement of those captured in war, see (McCormick 2002, 744-752).

²⁹² VK 20: three men were killed after the revolt of 785, while others were blinded; ARF 818: Bernard and the ringleaders were blinded, but no-one was killed.

²⁹³ See e.g. AB 844 (Bernard of Septimania). Charles the Bald’s execution (or murder) of Gauzbert without such procedures seem to have caused serious hostility (AF 854).

²⁹⁴ Pippin II of Italy was probably executed (AB 864). Bernard of Italy, Carloman (son of Charles the Bald) and Hugh (son of Lothar II) were blinded (ARF 818, AB 873, AF(M) 885).

²⁹⁵ See e.g. Hunald (ARF 769); Widukind (ARF 785); Zado and Roselmus (ARF 801); Vikings chiefs in Angers (AB 873). Rastiz was blinded (AF 870), but only after ‘Francorum iudicio et Baioariorum necnon Sclavorum’. Twice kings are shown as involved in the assassination of foreign rulers: Fredegar 52 (Waifar) and Regino 885 (Godefrid).

²⁹⁶ In honorem v 1738-1739 is impressed by Louis’ *pietas* in wanting Murman’s corpse to be given decent burial. Soldiers had previously brought Murman’s bloody head back to the

Saxon and Frankish nobles and ‘all’ the Avar nobility perishing in Charlemagne’s wars.²⁹⁷ Battles that pitched Franks against Franks, such as Fontenoy, could be particularly ferocious.²⁹⁸ There were also large numbers of Franks killed, including nobles, in the Angoumois (844) and at Andernach (876).²⁹⁹ In both these cases, however, we also hear of nobles being captured alive, who were not then killed. Louis the Younger is praised for his humanity in sparing leading captives in 876, but only after his ‘considerable slaughter’ of those fleeing.³⁰⁰ It is not clear whether those who were captured in battle were ransomed or not.³⁰¹ Unlike the Norman period, Franks in battle are not shown as deliberately trying to take captives for ransom rather than killing them.³⁰²

Mercy therefore, looks to be very much an afterthought, even in battles with other Franks. A number of commentators have claimed that Walter in *Waltharius* is unchristian, since he kills several men who are begging for mercy without showing any remorse.³⁰³ Such behaviour contrasts with later literary conventions,³⁰⁴ but seems

camp; the Franks’ only concern was that the head might prove not to be Murman’s (v 1726-1733). (Nelson 1998b, 100): the burial of both sides’ dead at Fontenoy is specifically noted.

²⁹⁷ VK 8: ‘Plures tamen eo bello tam ex nobilitate Francorum quam Saxonum et functi summis honoribus viri consumpti sunt’; c 13: ‘Tota in hoc bello Hunorum nobilitas periit.’ In contrast, very few Frankish nobles died.

²⁹⁸ (Nelson 1998b, 100). (Nelson 1996, 95-96) shows that the internal conflicts of 833-841 were marked generally by an increased level of violence.

²⁹⁹ AB 844; AB 876; AF 876.

³⁰⁰ AF 876: ‘Quos [West Franks] Hludowicus persecutus strages non paucas dabat.’ Similarly AB 841 reports Charles the Bald and Louis the German eventually stopping the ‘caedes’ of the fleeing after Fontenoy.

³⁰¹ Lupus, Epistola 35 (I: 154-155) describes being imprisoned and released thanks to Count Turpio of Angoulême, but gives no details. AB 844: those returning home had to swear a ‘sacramentum’.

³⁰² (Strickland 1992, 42-43). (Strickland 2001, 103-104) sees the absence of Frankish clemency against Vikings as partly due to such battles being righteous defensive wars against pagans, but there is little more mercy seen in any form of Frankish conflict.

³⁰³ See e.g. (Ernst 1986, 81; Brunhölzl 1988, 50-52).

³⁰⁴ (Kaeuper 2000, 31).

justified given Walter's situation.³⁰⁵ There is also a parallel in Abbo, who describes the conflict of Count William 'the Pious' and Hugh, Count of Berry in 892, caused by Odo giving William's honours to Hugh. Hugh is captured and unsuccessfully begs for mercy from the 'inclitus' William,³⁰⁶ who personally kills him.³⁰⁷

Ermoldus shows explicitly the limits of mercy. Zado, a captured Saracen leader, tricks Count William, who is trying to use him to get the Saracens of Barcelona to surrender. William hits his unarmed and bound captive hard.³⁰⁸ He adds that it is only his 'regis amorque timorque' that prevents him killing Zado.³⁰⁹ The treatment of enemies is here still a royal decision, which a loyal nobleman follows, though sometimes with difficulty.

2.4 CONCLUSIONS

Frankish authors rarely opposed any wars for moral reasons, except in the case of Carolingian rulers fighting each other; even in this case, partisan authors could sometimes find reasons why such wars were 'necessary'. Throughout the period, warfare against external enemies, whether defensive or offensive, against Christian or pagan enemies, was almost never problematic. Moralists drew flexibly on a range of justifications for war. Classical concepts of the need to enforce 'rights' and avenge 'injuries' done to the state³¹⁰ were combined with specifically Christian duties to

³⁰⁵ (Strickland 1992, 44): the practicalities of combat affected the taking of prisoners. Since Walter is alone, except for Hildegard, facing thirteen armed men who are quite prepared to attack him unexpectedly, the only possible alternative to killing his defeated opponents is the risky one of trying to disable them.

³⁰⁶ Abbo II 555.

³⁰⁷ Abbo II 558-561:

Hic Ugo dum tandem capitur mucrone Wilelmi,
Supplicat, ut pietas ejus succurreret illi.
Olli tam sero per verba measse respondit,
Ocius et dicto trans pectora lancea transit.

³⁰⁸ In honorem v. 524-525: 'Hoc vero agnoscens Vilhelmus concitus illum/ Percussit pugno, non simulanter agens.' Zado is shown as bound in v. 512.

³⁰⁹ In honorem v. 528-529.

³¹⁰ These ideas were passed on to the early middle ages via Isidore ((Lenihan 1996, 59-60)). (Halsall 2003, 18) shows their use in Carolingian texts. Cf. (Scharff 2002, 165-174).

defend and extend 'the Church of God'. Increasingly, the language of political Augustinism was also used to justify the wars of Carolingian rulers.³¹¹ If the Franks were God's chosen people, led by His appointed ruler, rebels and the disobedient were opposing God as well and must be punished.

Yet as I have shown, Carolingian warfare also had a strong pragmatic streak. Moralists could (implicitly) distinguish between just wars and holy wars, contrary to Russell's claims.³¹² Texts glorified successful warfare more than righteous warfare and rarely praised defeats, however noble the combatants' motives might have been.³¹³ As a result, despite what a few churchmen argued, compromises, even with Vikings, were sometimes acceptable. The Christian language of peace could be appropriated to glorify non-violent methods of rulers achieving their desired goals. Ermoldus Nigellus, in particular, shows how both war and peace could be depicted as virtuous, provided they were accompanied by the 'submission' of external peoples.

The sources do not show a specific code of conduct for behaviour in war, but some expectations are visible. Two main points emerge: that few forms of behaviour were intrinsically seen as wrong or immoral and that there were no clear dividing lines of conduct based on social status. Several scholars have seen the tenth century as marking a distinctive turning point in attitudes towards warfare and the 'secular militia'.³¹⁴ Yet this obscures the distinction between warriors as an *ordo* with the warrior as a role.³¹⁵ Until the end of the ninth century, ideologically warfare seems to have concerned all (lay) freemen: it was not solely the business of an elite. There are none of the clear polarities of later chivalric ideology, in which nobles and knights are armed, brave and courteous, while peasants are unarmed, cowardly and uncivilised. However, while political rhetoric stressed the martial qualities of all the Franks, and rulers increasingly required peasants to assist in defence, there are hints that nobles

³¹¹ (Nelson 1998b, 91-92).

³¹² (Russell 1975, 32).

³¹³ (Leyser 1994, 190): 'War was justified by success in it. Moral censure began with failure'.

³¹⁴ (Erdmann 1977, 57) puts the change at around 1000; (Flori 1983, chapter 6) speaks of 'la valorisation de l'*ordo pugnatorum* au Xe siècle'.

³¹⁵ (Halsall 2003, 33): 'In the post-Roman period, masculinity was intricately associated with violence.'

were unhappy about military pretensions by social inferiors.³¹⁶ Nithard, the only lay warrior to write a substantial text, laid particular stress on 'noble' behaviour in the conduct of warfare.³¹⁷

This characteristically inclusive but ruthless view of warfare seems closely connected to the sources' overwhelming focus on 'public' war, conducted by legitimate rulers.³¹⁸ In such rightful wars, any tactics, almost by definition, were also rightful. There was also little freedom of behaviour for the warriors participating, whatever their social level: instead their moral duty was to serve the ruler and the *res publica*. Warriors did not choose when to fight (although a noble might be able to influence this by his counsel). It was for the ruler to choose acceptable tactics and exercise mercy: for an individual warrior to spare enemies without his permission or avoid particular methods of fighting was negligent if not treasonable. (In the extreme Augustinian version of this, which Jonas and Hincmar adopted, the soldier was little more than an instrument of the ruler.) To choose to fight in a militarily hopeless situation could be seen as harmful, depriving the ruler of valuable men.³¹⁹ Such heroic gestures could be justified only when the ruler was in danger of total defeat. Nithard shows Charles the Bald's followers making autonomous moral choices, which he links explicitly to nobility,³²⁰ but such moral opportunities were seemingly rare for nobles.³²¹

A code of chivalry for nobles could not develop far in the public world of Carolingian warfare: it could be at most a mirroring of royal behaviour. Two changes seem to have been required to develop socially distinctive attitudes. One was a much

³¹⁶ See above p 66.

³¹⁷ See (Nelson 1989, 260-262) and also Chapter 3, section 10.

³¹⁸ Unlike in Gregory of Tours, there is very little detailed discussion of 'private' wars between magnates.

³¹⁹ Similarly (Murdoch 1996, 136-140) shows Oliver in the *Chanson de Roland* berating Roland for harming the Franks by his self-centred actions.

³²⁰ See above p 74.

³²¹ (Nelson 1989, 261-262) sees as a parallel Nithard's report that Louis the German's men also preferred death to the dishonour of not supporting Charles the Bald. Nithard 2-10, however, shows this explicitly as a decision made by them together with Louis: 'Lodhuwicus et sui...timentes, ne forte, si ab auxilio fratris frater deficeret, posteris suis indignam memoriam reliquissent'.

clearer definition from the tenth century of some groups as not involved in warfare. Reforming abbots and bishops were able to create an ideology in which the clergy as a whole were outside war, and (aligned with poor laymen), were contrasted to lay nobles and their supporters.³²² The other was an emphasis on military situations where combatants had more freedom of choice. The rhetoric of crusading stressed the individual warrior's choice of whether or not to participate.³²³ Similarly, the most important military situation for knights in chivalric literature is private combat, whether individually or in a tournament. Unlike the supposedly simple decisions in public war about obedience to the ruler, the subtle distinctions of fighting in a particular private combat became part of codes of behaviour that separated knights from their inferiors.³²⁴ Strickland shows the private wars of eleventh-century Normandy as the setting where a heightened sense of knighthood and behavioural conventions developed together.³²⁵ In contrast, while Carolingian rulers could show some stirrings towards chivalry in war, in Gillingham's sense of being willing to spare the bodies of their high-status enemies, loyal nobles could only follow their ruler's example.

³²² (Moore 1980).

³²³ (Morris 1980, 200-201).

³²⁴ Large parts of several versions of the Percival story, for example, are taken up with Percival learning such codes of behaviour.

³²⁵ (Strickland 1992, 56-58; Strickland 2001, 106-116).

CHAPTER 3: POWER

3.1 INTRODUCTION

Like many societies, that of the Franks in the eighth and ninth century was marked by strong inequalities in the distribution of power and wealth. Moralising texts often used a binary opposition between the *potentes* and the *pauperes* (though in reality the social situation was probably more complicated.)¹ Scholars have emphasised that many Carolingian sources saw the *pauperes* in terms of lack of power or dependence, rather than poverty,² but there are also texts contrasting the *pauper* and the *dives*.³ Power and wealth were closely linked, but not identical.⁴

Power and nobility were also closely connected, but not conceptually equivalent.⁵ Jonas comments on the neglect of duty by ‘nonnulli potentes, et quaedam nobiles matronae’.⁶ As this suggests, power was gendered, yet women were occasionally also called *potentes*.⁷ Power came from a number of sources,⁸ and an analysis of moral views on power needs to reflect this.

Scholars have mainly contrasted central and local power, often discussed in terms of public and private distinctions,⁹ although, as Innes has pointed out, Carolingian sources themselves see only public power or its lack.¹⁰ Different forms of power (however they are labelled) were closely connected: Le Jan talks of an

¹ (Constable 1996) shows continuing references to terms indicating some kind of intermediate group.

² (Bosl 1964; Devisse 1966, 279; Le Jan-Hennebicque 1968, 169).

³ (Goetz 1981b, 115-116) sees this contrast as typical of narrative sources. It is also found in mirrors e.g. LM 4-9; DIL 3-11.

⁴ In contrast to the late Anglo-Saxon period (see (Godden 1990)), Frankish texts stress elite power more than wealth: *potentes* are far more frequent than *divites*.

⁵ (Martindale 1977, 15-20).

⁶ DIL 2-16.

⁷ See e.g. Council of Meaux-Paris 845-846 (Conc. 3 no 11 p 124) c 77.

⁸ Regino 897 comments on the Conradines and Babenbergers: ‘Et dum de nobilitate carnis, de parentum numerosa multitudine, de magnitudine terrenae potestatis...se extollent’.

⁹ See e.g. (Wickham 1997, 202-204).

¹⁰ (Innes 2000, 255-258).

interpenetration of private and public power.¹¹ Noble birth and connections to office-holders did not give a right to office, but were normally a pre-requisite.¹² Once men held such public power, they could use this to increase further their private power and wealth.¹³

The building block of Carolingian society was the household: the most basic form of power was control over one's own *familia*. Local power was based on landholding and the control over labour this might entail. Rural society in the Carolingian empire varied considerably, with differences in the prominence of regional aristocracies,¹⁴ but most well-documented regions had local hierarchies and varying proportion of tenants, the unfree, and independent peasant cultivators.¹⁵

These local aristocracies had varied forms of support, including armed followers,¹⁶ and networks of kinship and friendship. Informal patronage, as well as formal links of dependence (personal lordship) were constants.¹⁷ Le Jan stresses the importance of these local connections as 'anchorage points' even for the elite who acted transregionally.¹⁸ Central power, by contrast, came from the ruler. In its public form it meant office holding, but there were also more informal forms of power and influence that came from *Königsnähe*.

Power relationships were not static. Numerous donations of land to monasteries made them into significant sources of local power.¹⁹ Landlords increased their demands over their tenants and also threatened the position of independent peasants. Rulers from Charlemagne onwards tried to link centres of local power (such

¹¹ (Le Jan 1995, 101).

¹² See section 7 of this chapter.

¹³ (Le Jan 1995, 144-145).

¹⁴ (Wickham 1995, 535-536) sees them as more prominent in the Rhineland and northern Italy than in eastern Brittany and Catalonia.

¹⁵ (Wickham 1995, 511-535).

¹⁶ See Chapter 2, p 76 and section 3 of this chapter.

¹⁷ (Wickham 1995, 531-532).

¹⁸ (Le Jan 1995, 406-413).

¹⁹ (Innes 2000, 47-50).

as monasteries) into the wider state.²⁰ This system produced seems to have been effective for much of the ninth century.²¹ Some areas saw particularly rapid developments: the area east of the Rhine went from a 'wild east' to a full Carolingian kingdom in just over a hundred years.²²

As this sketch indicates, different types of power formed a complex set of interlocking systems. In this chapter, I have somewhat arbitrarily separated them out, starting with the various forms of power produced by personal relationships.²³ This is followed by an analysis of power that came directly from land-holding and the two main forms of 'official power', office-holding and the administration of justice. Finally, I look at the concept of 'moral power'. Was secular power seen as a hindrance to virtue, creating particular moral problems? Conversely, were secular nobles seen as potentially more virtuous than the lower orders?

Christian traditions

Early Christian views were often ambiguous towards power, but not wholly hostile, since God himself was powerful,²⁴ and the Bible saw secular authority as divinely ordained.²⁵ The New Testament was innovative in its view of wealth as problematic and its praise of the poor.²⁶ Jesus' teaching, however, combined both radical criticism of property and a seeming acceptance of its use.²⁷ Similarly, he seems not to have envisioned the total destruction of family structures, but he did call his closest followers to break such ties.²⁸

²⁰ (Innes 2000, 187-188).

²¹ (Innes 2000, 195-241; MacLean 2003).

²² (Innes 2000, 220-221).

²³ (Althoff 1990b, 7-9) stresses the importance of groups to medieval people.

²⁴ (Powell 1963, 5-9); LM starts with a reference to the 'potestas' both of God the Father and God the Son.

²⁵ (Powell 1963, 34-37, 173-179).

²⁶ (Finley 1985, 38).

²⁷ (Hengel 1974, chapter 3).

²⁸ (Brown 1988, 41-44).

The early church soon began to adapt to social realities. An increasing stress on the need for the subordination of women and slaves is already visible in the later Pauline epistles.²⁹ With very few exceptions, the church never opposed slavery as an institution.³⁰ From the late first century, theologians debated whether Jesus' most radical statements on the need for renunciation of wealth were intended to apply literally and universally.³¹

The conversion of Constantine brought further changes, with fourth-century Christians often seeing the Roman empire as providential.³² Christianity was made attractive to the late Roman aristocracy by appealing to an 'elite *mentalité*'.³³ Yet ambiguity continued. The Vulgate included positive visions of the *nobiles*, linking social and moral superiority.³⁴ Meanwhile, McGuckin sees 'a constant unease over the issue of riches' in the patristic tradition,³⁵ and Salvian (as well as the Theodosian code) had savage denunciations of the misdeeds of the *potentes*.³⁶

Previous research

Most research on non-royal power has focused on the mechanisms of power rather than its ethics. The older scholarly tradition is of constitutional history, focusing on institutions³⁷ and attempting to reconstruct a coherent legal system from normative sources.³⁸ More recent studies of power have analysed families holding

²⁹ (Fiorenza 1984, 70-79).

³⁰ (Garnsey 1996, 237-243) sees Gregory of Nyssa as the only early Christian author specifically arguing against slavery. He also shows (against (Bloch 1975, 11)) that slavery was seen as 'divinely ordained' by many Christian writers.

³¹ (Hengel 1974, 57-59).

³² (Markus 1988, 93).

³³ (Salzman 2000).

³⁴ (Nelson 2000, 44-45).

³⁵ (McGuckin 1987, 13).

³⁶ (Weinberger 1991, 160-162).

³⁷ See e.g. (Ganshof 1968).

³⁸ Discussed by (Wormald 1986, 2-3).

power,³⁹ or individual localities and interactions, looking at power ‘in action’.⁴⁰

Discussions of ethical attitudes to power have focused on royal power, a topic of key interest to early medieval moralists.⁴¹ Moralising on *potentes* has been examined mainly to identify the groups discussed.⁴² The moral aspects of non-royal power have rarely been discussed as a whole: perhaps reflecting wider scholarship, in which power is more a research topic of sociology and politics than Christian ethics.⁴³ There are, however, very useful studies on the ethical aspects of some forms of power, such as slavery,⁴⁴ the administration of justice,⁴⁵ and wealth.⁴⁶

3.2 HOUSEHOLD

The most basic level of power was over the household:⁴⁷ an ancient patriarchal form of power that remained fundamental to early Christian thought.⁴⁸ The household and its control were key images in Carolingian thought; there was a symbolic mirroring of domestic and royal authority.⁴⁹ Some of Charlemagne’s capitularies show his determination to enforce domestic patriarchy as the basic building block of his kingdom.⁵⁰ This domestic power was not solely male: some moralists saw it either as a joint responsibility of the married couple or as a particular responsibility of the

³⁹ See e.g. (Werner 1978; Borgolte 1984).

⁴⁰ See e.g. (White 1978; Davies and Fouracre 1995; Innes 2000).

⁴¹ See e.g. (Anton 1968).

⁴² See e.g. (Bosl 1964; Oexle 1992).

⁴³ (Hinze 1995, 3).

⁴⁴ See e.g. (Hoffmann 1986; Devroey 2000).

⁴⁵ (*La Giustizia nell' alto medioevo (secoli V-VIII)* 1995; *La Giustizia nell' alto medioevo (secoli IX-XI)* 1997).

⁴⁶ (Newhauser 1989; Siems 1992; Newhauser 2000).

⁴⁷ (Innes 2000, 90): a nobleman’s *familia* could include all those attendant upon him, free and unfree.

⁴⁸ (Lerner 1986, chapter 3; Oexle 1988, 106-108).

⁴⁹ (Fried 1982).

⁵⁰ (Nelson 1999b, 8-9).

wife.⁵¹ Dhuoda called Bernard the *dominus* of both herself and William, but also stressed her own maternal authority.⁵² Some external restrictions on male household authority are visible: men could suffer severe penances if they killed their wives, and were increasingly not allowed to divorce them.⁵³ Royal edicts restricting Sabbath work clearly affected the *paterfamilias*'s control of domestic labour.⁵⁴

Nevertheless, men as heads of households had important moral responsibilities, as Paulinus explained:

I beg that you announce to all those subject to you and of good will in your house, from the greater to the lesser, the love and sweetness of the eternal kingdom, the bitterness and fear of hell, and that you are solicitous and alert about their salvation, since you will render account to God for all those subject to you.⁵⁵

Other moralists repeat such instructions to householders, but rarely make more specific demands.⁵⁶ Paulinus contents himself with the exhortation: 'fovere domesticum'.⁵⁷ The Council of Attigny 822 condemned *potentes* who did not attend church services themselves and prevented their *familia* from attending by demands for service.⁵⁸ Dhuoda wanted a special regard for 'good' members of the *familia*,⁵⁹ while Hincmar linked discipline with the need to set an example.⁶⁰

⁵¹ DIL 2-16 (joint responsibility), Council of Meaux-Paris 845-846 (Conc. 3 no 11 p 124) c 77 (particular role of women). Part of Einhard's grief at the death of his wife Emma (Lupus, Epistola 3, I: 16), is the daily loss that he feels, 'in tota domus ac familiae administratione'.

⁵² LM Preface, 1-7, 3-1. (Cherewatuk 1988-1991, 53-57; Nelson Forthcoming, 3).

⁵³ See Chapter 4, sections 5, 7.

⁵⁴ See e.g. Admonitio generalis 789 (Cap. I no 22 p 61) c 81.

⁵⁵ LE 29: 'quaeso, omnibus tibi subjectis et bonae voluntatis in domo tua a maiore usque ad minimum, amorem et dulcedinem regni coelestis, amaritudinem et timorem gehennae annunties, et de eorum salute sollicitus ac vigil existas: quia pro omnibus tibi subjectis, qui in domo tua sunt, rationem Domino reddes.' Paulinus particularly wanted dependents told to avoid drunkenness (LE 37, 38). Cf. DIL 2-16.

⁵⁶ In contrast, there were several detailed discussions in late antiquity: (Cooper 2002).

⁵⁷ LE 66.

⁵⁸ Conc. 2 no 42 p 472 c 5. Cf. DIL 2-23.

⁵⁹ LM 3-3 (on Joseph): 'inter famulos domini sui esse prae ceteris meruit dilectus.' She reminds William (3-4) that his own faithfulness will help advance his household as well as himself. LM 4-8 tells William vaguely: 'Esto namque et tu in minimis subiectisque tuis...misericors', without making clear the status of such 'subjects.'

The unfree

The unfree formed an important part of the *familia*: sources use a wide vocabulary for such dependants, including *servi*, *ancillae*, *coloni*, *famuli*, and *mancipia*. The profusion of terms reflects differences in legal status, sex, economic and social roles, although usage was not consistent.⁶¹ Unfree men and women were used in a variety of roles: polyptychs show some unfree settled on *mansi* within estates and owing agricultural services, but there also continued to be *mancipia non casata*, the unfree who lived in their master's *domus*.⁶² Some of these were agricultural workers, others (especially women), provided domestic services,⁶³ or worked at crafts.⁶⁴ Some *servi* and *coloni* were relatively privileged and held benefices.⁶⁵ Roles and locations may have changed, with settlement or removal from *mansi* possibly dependent on stages within a life-cycle.⁶⁶

Much scholarly discussion of Carolingian *servi* has centred on whether they are best seen as slave or serfs.⁶⁷ Such debates are crucially influenced by the definitions used; several recent studies have concluded that the Carolingian unfree can be seen as either slaves or serfs or both simultaneously.⁶⁸ There were large numbers

⁶⁰ Quierzy letter c 12: 'secundum mores domini erit familia custodita'.

⁶¹ (Bloch 1975, 72): *servus* could be used for all dependants. *Coloni* seem to have had a intermediate legal status. Carolingian legislation increasingly regarded them as unfree ((Goetz 1993, 35, 38-39)), but they seem to have had some appeal to public courts, while estate surveys and legislation continue to refer to them separately ((Whittaker 1987, 108-112)) *Mancipia* meanwhile, often seems to have an economic rather than a legal meaning: persons included in sales or gifts, whether free or unfree ((Devroey 2000, 10-11))

⁶² (Goetz 1993, 44-46; Devroey 2000, 22-25).

⁶³ (Devroey 2000, 21-22). Alcuin, Carmen 8 (Poet. I p 228) refers to a slave who is, among many other roles: 'siniscalcus...buticlarius...cocus...stabularius'. AB 862 shows a *mancipium* ironing.

⁶⁴ (Hammer 1983, 222-224; Stuard 1995, 14-15).

⁶⁵ Capitulare missorum (Cap. I no 25 p 67) c 4.

⁶⁶ (Hammer 1983, 245-247; Devroey 2000, 24-25).

⁶⁷ Arguing for slavery: (Bloch 1975, 34; Bonnassie 1991, 17-24). Arguing for serfdom: (Hoffmann 1986, 21-22; Devroey 2000, 29).

⁶⁸ (Goetz 1993, 47-49; Davies 1996, 245-246).

of the unfree in absolute terms. Some charters list dozens of *mancipia* given in a single donation,⁶⁹ while an opponent of Alcuin claimed that he had 20,000 *servi*.⁷⁰ All churches were supposed to own some unfree dependants,⁷¹ while one capitulary refers to the man ‘found to be so poor that he has neither *mancipia* nor his own lands.’⁷²

The conditions of the unfree seem to have improved between the early Roman empire and the ninth century;⁷³ whether or not this reflected Church influence is debated.⁷⁴ Bonnassie, however, argues for an attempted revival of the slave system under Charlemagne, with the support of some prominent churchmen.⁷⁵

Smaragdus is the only Carolingian author who seemingly opposed slavery, although his position is not entirely clear. He argued that Christians ought not to take slaves in war⁷⁶ and also that they ought to free slaves:

everyone ought to send *servi* away free, considering that nature does not subject them to him, but sin; for we are created equal by condition, but some are subjected to others by sin.⁷⁷

Smaragdus does not make clear, however, whether the sin that causes slavery is that of all humanity, the slave-owner or the slave. It is also unclear whether

⁶⁹ (Hammer 1983, 222-223; Nelson 1995, 99).

⁷⁰ Alcuin, Epistola 200 (Epp. 4 p 332).

⁷¹ See e.g. Astronomer 28; Council of Toulouse 844 (Conc. 3 no 4 p 358) c 9.

⁷² Memoratorium de exercitu in Gallia occidentali praeparando 807 (Cap. I no 48 pp. 134-135) c 2: ‘qui sic pauper inventus fuerit qui nec *mancipia* nec propriam possessionem terrarum habeat’.

⁷³ (Hoffmann 1986, 6-7; Devroey 2000, 7).

⁷⁴ (Bloch 1975, 10-15; Hoffmann 1986) stress the church’s positive influence, while (Dockès 1982, 145-149; Whittaker 1987, 105; Bonnassie 1991, 25-32) see its role as unimportant or even negative.

⁷⁵ (Bonnassie 1991, 53-54): sees Alcuin, Regino of Prüm and Hrabanus Maurus all attempting to legitimise slavery.

⁷⁶ (McCormick 2002, 750-751).

⁷⁷ Smaragdus, Via regia 30: ‘unusquisque liberos debet dimittere servos, considerans quia non illi eos natura subegit, sed culpa; conditione enim aequaliter creati sumus, sed aliis alii culpa subacti.’

he thinks all slaves should be freed, since in the same passage he quotes a verse saying only that slaves should be treated well.⁷⁸

Other Carolingian texts accepted the basic principle that the unfree were property.⁷⁹ Frequent legislation about runaway *servi* (and *coloni*) and condemnations of those harbouring them also show them as possessions,⁸⁰ although they were allowed to prove their freedom legally.⁸¹

There was concern about the sale of the unfree, particularly Christians, to non-Christians. Legislation and church council decisions imposed restrictions on such sales,⁸² although high-profile examples still occurred.⁸³ Moralists saw this practice as endangering souls,⁸⁴ but also had military concerns.⁸⁵ These were clearly expressed by the Council of Meaux-Paris 845-846:

Christian and Jewish merchants of this kingdom, who...conduct pagan *mancipia* to the hands of our infidel and very savage enemies, as a result of which these unhappy *servi*, who if they were gained by Christians could be saved, perish miserably and increase the very great numbers of our enemies, should be restrained by our pious princes and forced to sell within Christian

⁷⁸ Ecclesiasticus 33: 31: 'Si est tibi servus fidelis, sit tibi quasi anima tua, quasi fratrem sic eum tracta'.

⁷⁹ Divisio regnorum 806 (Cap. I no 45 pp. 128-129) c 11 distinguishes between *res immobiles* that may not be transferred between kingdoms, such as lands and *servi casati* and goods that may be, including *mancipia non casati*.

⁸⁰ (Goetz 1993, 35-39). Hrabanus, Epistola 30 (Epp. 5 p 452) c 5 says that a runaway *servus* who dies should be prayed for, but while alive should be instructed to return to his master. He comments, however: 'Sed tamen distantia est inter eum qui per superbiam, et illum, qui propter necessitatem fugit, coactus crudelitate domini sui.'

⁸¹ Responsa missio cuidam data (Cap. I no 58 p 145) c 7: if a *servus* can produce a charter of freedom, it is down to the lord claiming him back to prove it false.

⁸² (Hoffmann 1986, 4, 15; Goetz 1993, 39).

⁸³ See e.g. AB 866 (Charles the Bald agreed to return or ransom *mancipia* taken by the Vikings who subsequently escaped); AB 869 (a ransom paid to the Saracens included 150 *mancipia*).

⁸⁴ See e.g. Cathwulf's letter to Charlemagne (Epp. 4 p 503); Agobard, De baptismo mancipiorum Iudaeorum.

⁸⁵ (McCormick 2002, 748).

borders, lest by such horrendous cruelty and open infidelity and damnation of souls, God may be exasperated and the strength of the enemy increased.⁸⁶

The slave's status as property also meant that masters controlled the bodies of slaves. Unlike late Roman law,⁸⁷ early medieval civil law seems to have accepted the independent right of masters to kill slaves,⁸⁸ However Frankish church councils from the sixth century onwards condemned arbitrary killing of *servi*.⁸⁹ The unfree who fled to churches had to be returned to their masters, but there were some attempts made to ensure their protection.⁹⁰ Less lethal violence, including mutilation as punishment, was clearly a legitimate part of lordship over the unfree;⁹¹ it could even seem acceptable to a saint. Gerald of Aurillac threatened to maim *servi* who secretly gave away his washing water in order to effect miraculous cures.⁹² Jonas is unusual in specifically condemning the excessive punishment of *servi*:

If therefore slaves are equal to lords by nature, indeed, since they are equal, let lords not think they are going to bear themselves with impunity, when in wild indignation, and inflamed against the errors of slaves with fury of roused mind, they are excessive about them either in cutting with very savage blows,

⁸⁶ Conc. 3 no 11 p 124 c 76: 'Ut mercatores huius regni, christiani sive Iudei, mancipia pagana, ...ad manus infidelium et sevissimorum hostium nostrorum perducunt, ex quo et ipsi infelices servi, qui, si a christianis emerentur, poterant salvari, miserabiliter pereunt et inimicorum regni maximus numerus augetur, coercentur a piis principibus nostris et intra christianorum fines vendere compellantur, ne tam horrenda crudelitate et aperte infidelitate et animarum dampnis deus exasperetur et vires hostibus augeantur.'

⁸⁷ (Saller 1996, 118-119).

⁸⁸ (Bonnassie 1991, 20-21). (Hoffmann 1986, 12) sees Charlemagne as banning this in *Admonitio generalis* 789 (Cap. I no 22 p 59) c 67 on homicide, but this does not specifically refer to the unfree.

⁸⁹ Council of Mainz 847 (Conc. 3, no 14 pp. 172-3) c 22 repeats the prohibition from the Council of Agde 506 on the killing of *servi* 'extra iudices'. It also cites the decision of the Council of Elvira 306 on the 'domina, quae per zelum ancillam suam occiderit' by an over-enthusiastic beating: the penance imposed depends on whether this was deliberate or not.

⁹⁰ See e.g. Einhard, *Epistolae* 48, 49 (Epp. 5 pp. 133-134); (Bonnassie 1991, 27).

⁹¹ (Bonnassie 1991, 19-20).

⁹² VG 2-11: 'ne quispiam tale deinceps unquam praesumeret, asserens quia, si servus faceret, membris truncaretur; si vero liber, postea suus non esset.' Gerald is not actually said to have inflicted such punishments, but VG 2-12 shows his threat was taken seriously: 'Non enim parvipendere sui poterant internecionem, quam pro hac re dudum comminatus fuerat, scientes quod impune non cederet, si datorem deprehendisset.'

or maiming with amputation of limbs, since they have one God in the heavens.⁹³

Corporal punishment for *servi* (and increasingly for *coloni*) was entirely normal: capitularies frequently order beating as a penalty for the unfree as opposed to the free.⁹⁴ Unlike the classical period, however, such punishment was not restricted to slaves.⁹⁵ Mutilations could also be used as punishments for free men, including those of high status.⁹⁶

Bodily control by masters of the unfree also extended to their sexual behaviour. From the fourth century, the unfree were increasingly allowed to live in family groups,⁹⁷ and Carolingian legislation often discusses such families. Much of this legislation was restrictive, aimed at limiting whom a *servus* might marry.⁹⁸ Nevertheless, the terminology used suggests that marriages of the unfree were recognised. There were attempts to legislate against the dissolution of marriages and the breaking up of such families,⁹⁹ although such practices are sometimes visible.¹⁰⁰ Two of Einhard's letters intercede for *servi* who have married, stressing that the lord's rights should be tempered by mercy.¹⁰¹

⁹³ DIL 2-22: 'Si igitur servi dominis natura aequales sunt, utique quia sunt, non se putent impune domini laturos, dum turbida indignatione, et concitanti animi furore adversus errata servorum inflammati, circa eos aut in saevissimis verberibus caedendo, aut in membrorum amputatione debilitando, nimii existunt, quoniam unum Deum habent in coelis.'

⁹⁴ (Goetz 1993, 36, 39).

⁹⁵ (Saller 1996, 127-128).

⁹⁶ Amputation of the hand was a punishment for both perjury and counterfeiting (Capitulaire Haristallensel 779 (Cap. I no 20 p 49) c 10; Edictum Pistense 864 (Cap. II no 273 p 317) c 17). Both members of the royal family and nobles were sometimes blinded for rebellion (e.g. ARF 818).

⁹⁷ (Whittaker 1987, 90-94): such groups had probably existed from the late Roman republic.

⁹⁸ (Goetz 1993, 34-38).

⁹⁹ (Hoffmann 1986, 13-14; Goetz 1993, 37).

¹⁰⁰ (Goetz 1993, 41-42). Edictum Pistense 864 (Cap. II no 273 p 324) c 31 dissolves the marriages of *mancipia* who have fled during Viking raids to other regions.

¹⁰¹ Einhard, Epistolae 46, 60 (Epp. 5 pp. 133, 139).

Frankish legislation on the marriage of the unfree was at least partially gender-neutral,¹⁰² but was set within a wider framework of considerable inequality. For a woman to have sexual relations with her own slave was regarded as abhorrent.¹⁰³ Men faced penalties for marriage or fornication with another's slave in the barbarian *leges*, but there were no legal penalties on a lord who had intercourse with his own *ancilla*.¹⁰⁴ Such male behaviour had been seen as quite normal in the Roman household: the rare criticism from classical authors disapproves only of the master's lack of self-control.¹⁰⁵ Old Testament Judaism also accepted slaves being taken as concubines.

Jonas is the only mirror writer who refers specifically to such male behaviour,¹⁰⁶ and implies that it was generally seen as acceptable.¹⁰⁷ He condemns it within a strongly gendered framework: such behaviour is unsuitable for men, because they see it as unsuitable for women:

Without cause you try to excuse yourselves, when you say: do I go to another's wife? I go to my handmaid. Would you want that your wife should say to you: Do I go to another man, I go to my male slave?¹⁰⁸

It is also problematic because it causes tensions within the household: since intemperance of this kind...makes handmaids proud, matrons wrathful, discordant, stubborn, concubines insolent, husbands shameless. At the same time that the handmaid may conceive from the lord, she spurns her lady as if

¹⁰² See e.g. *Capitula legi salicae addita* 819 (Cap. I no 142 p 292) c 3. *Decretum Compendiense* 757 (Cap. I no 15 p 38) c 4, 8 specifically states: 'Una lex est de viris et feminis'.

¹⁰³ (Hammer 1995, 347-349, 359). LM 3-3 praises Joseph: 'ab stupris mulierum se cavens...Deo in mente et seniori terreno puram in corpore servans castitatem, inter famulos domini sui esse prae ceteris meruit dilectus.'

¹⁰⁴ (Wemple 1981, 36).

¹⁰⁵ (Saller 1996, 125-127).

¹⁰⁶ Some penitentials include penances for such behaviour ((Hoffmann 1986, 14)).

¹⁰⁷ DIL 2-2: 'summopere studendum est conjugii copulam adeuntibus, ut nec clanculo cum meretricibus, nec palam cum ancillis, antequam uxorio vinculo se innectant, corrumpantur.'

¹⁰⁸ DIL 2-4: (quoting Augustine, *Sermo* 9, 11) 'Sine causa uos excusare conamini, quando dicitis: Nunquid eo ad uxorem alienam? Ad ancillam meam eo. Uis ut dicat uxor tua tibi: Nunquid eo ad uirum alienum, ad seruum meum eo?'

richer in giving birth; the lady laments herself despised; but accuses the husband as the author of her injuries.¹⁰⁹

Elsewhere, Jonas's shows a greater concern for *servi* than most other Carolingian moralists. He stresses the need for Christian masters to behave well:

And what is greatly to be lamented, a Christian lord in these days does not spare a Christian slave, regarding very little, that if he is a slave by condition, yet he is a brother by grace.¹¹⁰

Jonas was also unusual in linking the treatment of the unfree to that of the (free) poor.¹¹¹ As Bonnassie comments, the church's concern for the poor and beggars was often at the expense of the unfree.¹¹² In times of famine, there was concern that both *servi* and the poor free avoided starvation, but legislation on the topic often had economic as well as social motives.¹¹³ A poem by Alcuin during a famine, meanwhile, jokes about his *servi* running away from hunger, while giving no indication that he himself is starving.¹¹⁴

Manumission of slaves was possible, but the scale of this may have been relatively small. Church councils specifically prohibited the freeing of ecclesiastical *servi*, since it reduced the church's patrimony.¹¹⁵ Carolingian moral writers do not stress manumission as a charitable deed,¹¹⁶ nor does it feature prominently in wills.¹¹⁷

¹⁰⁹ DIL 2-4: 'quia hujusmodi intemperantia...superbas ancillas facit, iracundas matronas, discordes, contumaces, concubinas procaces, inverecondos maritos. Simul ut de domino conceperit ancilla, spernit dominam suam tanquam ditior partu; domina se despici dolet; maritum auctorem injuriarum suarum arguit.'

¹¹⁰ DIL 2-22 (quoting 'Augustine' (actually Maximus of Turin, Sermo 9, 3): 'Et quod magis dolendum est, Christianus dominus Christiano in his diebus seruo non parcat, minime respiciens, quod si seruus est conditione, gratia tamen frater est.' He also quotes Gregory the Great, *Moralia* in Job, 21-15 saying that men should not want to cause fear in other men, who are naturally their equals.

¹¹¹ DIL 2-23: (quoting 'Augustine' (actually Maximus of Turin, Sermo 9, 3): 'Isti ergo non miserebuntur aliquando pauperibus, qui minime suis famulis miserentur'.

¹¹² (Bonnassie 1991, 28).

¹¹³ (Verhulst 1992, 185-189).

¹¹⁴ Alcuin, *Carmen* 8 (Poet. I, p 228) v 11-13: 'Sic vadunt cuncti fugientes omnibus horis, / Sic male sacra fames exactor dispulit illos, / Sic minuet servos, nec sic sibi sat habet illa.'

¹¹⁵ (Bonnassie 1991, 28).

¹¹⁶ The lay mirrors do not refer to the manumitting of *servi*, though LE 66 and DIL 3-10 call for the redeeming of *captivi*. In the *Edictum Pistense* 864, (Cap. II no 273 pp. 326) c 34,

Even in the *Vita Geraldi*, where the freeing of *servi* demonstrates Gerald's holiness, this is limited:

At this time he gave their liberty to only a hundred *mancipia*, but there are innumerable whom he emancipated at other times and places. Many, however, seized by love of him, refusing liberty, preferred to remain in his servitude.... He was warned, however, by some of his men that as far as his household, which was very large, was concerned, he should not release a greater number from the yoke of servitude. He replied: It is just that the secular law is observed in this and therefore the number stated in the same law ought not to be exceeded.¹¹⁸

Overall, Carolingian moral texts are not particularly interested in the unfree. Although *servi* seemed to have played a prominent role in the Stellinga revolt,¹¹⁹ the sources do not particularly imply that Frankish lords feared their slaves, as is seen in some classical texts and also Lombard laws.¹²⁰ There are few attempts at an ideological justification of slavery or admonitions for slaves to obey their masters. Such material was readily available both in Biblical and patristic works and in Carolingian commentaries.¹²¹ Its infrequent appearance in texts addressed to lay

Charles the Bald quotes approvingly the demand of Exodus 21: 2 that those enslaved for debt should be released freely after six years, but does not legislate on this topic.

¹¹⁷ VK 33: Charlemagne's will left one-twelfth of his treasure as alms to the palace *servi* and *ancillae*, but makes no reference to any manumissions. (Nelson 1995, 99): Erkanfrida, in a grant made just before her will, frees only seven of more than a hundred *mancipia* on one estate.

¹¹⁸ VG 3-4: 'Centum ex mancipiis tantum libertate tunc donavit. Nam alias diversis locis ac temporibus innumera sunt, quae emancipavit. Quamplures autem ex ipsis amore ejus perstricti libertatem recusantes, permanere magis in servitute ejus maluerunt... Monebatur autem a quibusdam suis, quatenus de familia, quae sibimet affatim superabundabat, majorem multitudinem jugo servitutis absolveret. Quibus ait: Justum, inquit, est, ut lex mundialis in hoc observetur, et ideo numerum in eadem lege praestitutum praetergredi non debere.' Cf. Pippini capitulare (Cap. I no 95 p 201) c 9 where judgement is found in favour of a man's daughter, protesting at her father freeing all his *servi*.

¹¹⁹ AX 841 and 842 see the Stellinga as the revolt of *servi*, while AF 842 refers to it as by *liberti*, and Nithard 4-2 sees it as by *frilingi* and *lazzi* against *domini*.

¹²⁰ (Bonnassie 1991, 48; Garnsey 1996, 57-58).

¹²¹ See e.g. (Garnsey 1996, Chapters 11, 13); Hrabanus Maurus, *Commentariorum in Genesim libri quatuor* 4-9: 'Est etiam ordo naturalis in hominibus, ut serviant viris feminae, et filii parentibus, quia et illic haec justitia est, ut infirmior ratio serviat fortiori. Haec igitur dominationibus et servitutibus clara justitia est, ut qui excellunt ratione, excellent dominatione.'

audiences argues against Bonnassie's view that Charlemagne was trying to intensify slavery.

Only a few texts suggest any moral inferiority of the unfree.¹²² 'Viles personae et infames', including *servi*, were not to be allowed to make accusations at the palace,¹²³ while the Council of Tribur 895 thought it unsuitable that priestly 'dignitas' should be held by the 'vilis persona' of the unfree.¹²⁴ Thegan makes much of Ebbo's slave origins and Nithard complains that some of Charles the Bald's men had abandoned him, breaking their word 'more servorum'.¹²⁵ *Servi*, however, could also be shown behaving well: Dhuoda gives several Biblical examples.¹²⁶ Writers frequently recalled the words of St Paul¹²⁷ that Jesus had deigned to take on the form of a *servus*,¹²⁸ while bishops were happy to call themselves royal *servi* or *famuli*, and kings and saints were *famuli* and *ancillae Dei*.¹²⁹

Such metaphorical use also predominates in most of the lay mirrors: Alcuin and Paulinus repeat that in God there is 'neither free nor slave';¹³⁰ but they rarely consider servitude except as a metaphor, whether positively¹³¹ or negatively.¹³² While the treatment of the unfree had advanced since classical times and the church's

¹²² (Goetz 1981b, 126-129) discusses examples of denigration of the 'lower classes' by the sources, showing that they are largely concerned about possible social reversal.

¹²³ *Capitula francica* (Cap. I no 167 p 334) c 8.

¹²⁴ Cap. II no 252 p 230 c 29.

¹²⁵ Thegan 20, 44; Nithard 2-3.

¹²⁶ LM 3-3 (Joseph), 3-4 ('pulcher famulus' of Abraham).

¹²⁷ Philippians 2: 7.

¹²⁸ LE 19; LM 3-10; DIL 2-9.

¹²⁹ See e.g. Council of Paris 825 (Conc. 2 no 44 p 481); Council of Paris 829 (Conc. 2 no 50 p 607, 667).

¹³⁰ LE 38, DVV 36 (quoting Galatians 3: 28).

¹³¹ LE 6, 35, 64; DVV 29: Christians should be the *servi* of Christ; the spirit must dominate the flesh like the *domina* over the *ancilla*

¹³² LE 7; DVV 1, 15: Christ rescues humans from the slavery of the devil; they are no longer slaves, but friends or sons. Cf. (Garnsey 1996, chapter 14) on earlier metaphorical use of the idea.

position on marriage improved the situation of *servi*,¹³³ there is little evidence that the unfree were a priority of the Carolingian reform movement.

3.3 LORDSHIP

Attempts to define lordship (even loosely) tend to stress it as a personal relationship of dependence,¹³⁴ although there are problems with this definition.¹³⁵ Lordship as a specific relationship, where a man commended himself for service to a *dominus* or *senior*,¹³⁶ took very varied forms. Some commendation formulae show near destitute men make agreements with the more powerful,¹³⁷ but men of far higher status could also be involved. Matthew Innes defines a royal *fidelis* as:

an influential local whose position and importance the king acknowledged, and who was significant enough to enter into a personal relationship of obligation to the king.¹³⁸

Such relationships, although not new under the Carolingians, probably become more prominent: specific references to *vassi* certainly increase.¹³⁹

Lordship was also an important social metaphor. Terms such as *dominus* and *senior* were used for relationships between man and God, priests and their patrons,¹⁴⁰

¹³³ (Devroey 2000, 19).

¹³⁴ (Bisson 1995, 746) sees it as 'a mode of personal power over human beings'. (Innes 2000, 87): 'lordship was a relationship defined by mutual ties between two people, most likely expressed through a legal ritual which invoked a set of norms, certainly not a contractual relationship involving written declarations of rights and dues.' In contrast, some German scholars (see e.g. (Vollrath 1982, 36-37)) understand 'Herrschaft' in Max Weber's sense (Weber 1968, I: 53) as the power to command and be obeyed or to be able to make decisions and enforce them. Such ideas, however, are wider than lordship, including, for example, relationships in armies, schools and some modern businesses.

¹³⁵ (Reynolds 1994b, 25-28).

¹³⁶ (Odegard 1945, 4-5). Such men could be called *vassi*, *homines*, or *fideles* (p 68-71), but many other terms were also used for military retainers from the Merovingian period onwards e.g. *pueri*, *gasindi*, *milites*, *satellites* (p 72). The terms *vassi*, *homines*, or *fideles* could also sometimes have other meanings: *vassus* had originally meant an unfree servant (p 16), *homo* and *fidelis* could be used of all men or all subjects (p 51, 54).

¹³⁷ See e.g. (Ganshof 1964, 6-9).

¹³⁸ (Innes 2000, 63). (Odegard 1945, 51-68) differentiates the *fideles* (all those commended into royal service, a group which includes a variety of lay and clerical officeholders) from *vassi*, one subgroup of this with particular functions.

¹³⁹ (Reynolds 1994b, 85).

within a patriarchal family,¹⁴¹ between kings and some of their subjects,¹⁴² and masters and slaves. Some of these usages were common, while others seem to have been used to make a particular political point.¹⁴³ Lordship in its specific sense is normally seen in masculine terms, but women might call their husband *senior*.¹⁴⁴ The *domina* is also occasionally visible,¹⁴⁵ and some women had their own *homines*.¹⁴⁶

German scholarship, looking at all these kinds of relationship, has identified a number of different types of lordship,¹⁴⁷ but such types are easier to label than to pin down.¹⁴⁸ Many of these relationships involved other forms of subordination: it is hard to see neat distinctions between the king as king and the king as ‘feudal lord’.¹⁴⁹ There are several cases known where lesser nobles were kinsmen of their lord.¹⁵⁰ The sources discuss mainly royal *vassi* and *fideles*, which raises further problems;¹⁵¹ even

¹⁴⁰ Capitula ecclesiastica (Cap. I no 81 p 178) c 3.

¹⁴¹ Waltharius v 545: Hildegund calls Walter ‘senior’. (Nelson 1999b, 9) argues that the *seniores* instructed by the Capitulare missorum Aquisgranense primum 810 (Cap. I no 64, p 153) c 7, 17 to set a good example to their juniors and control them (‘ut melius et melius oboediant...praeceptis imperialibus’), refer to all male heads of households.

¹⁴² (Odegaard 1945, 58) lists some of the royal titles used, such as *dominus rex*, *rex et senior*. Carolingian bishops frequently referred to the king as their *senior* (pp. 64-68).

¹⁴³ See (Becher 1993, 21-77) on the construction of Tassilo as Pippin’s *vassus* in ARF.

¹⁴⁴ LM 1-7. (Le Jan 1995, 168): this usage became more common in the tenth century.

¹⁴⁵ See e.g. Capitulatio de partibus Saxoniae (Cap. I no 26 p 69 c 13: ‘Si quis dominum suum vel dominam suam interfecerit’).

¹⁴⁶ Abbesses: Capitulare missorum (Cap. I no 25 p 67) c 4; Charlemagne’s daughters: Capitula cum primis conferenda 808 (Cap. I no 51 p 139) c 13.

¹⁴⁷ See e.g. (Schlesinger 1953).

¹⁴⁸ (Reynolds 1997, 5-7) points out that the language of the general oath of fidelity in 802 made by all Charlemagne’s adult male subjects could imply either that the relationship is different from the normal one between a *homo* and his *dominus*, or an example of it.

¹⁴⁹ (Reynolds 1994b, 36).

¹⁵⁰ (Le Jan 1995, 410; Innes 2000, 92).

¹⁵¹ (Reynolds 1994b, 88).

scholars who see royal lordship as developing from other forms of lordship accept that concepts of kingship also drew on other models.¹⁵²

Details of these relationships are also scanty. Several capitularies ban men from having more than one lord,¹⁵³ but it is not clear that every free man had to have a lord.¹⁵⁴ Terms such as *dominus* and *senior* for laymen only become common in charters at the end of the ninth century.¹⁵⁵ Lordship in the early Middle Ages has sometimes been seen as deriving from the *comitatus* of early Germanic times.¹⁵⁶ Although many followers, particularly *vassi*, clearly played a military role,¹⁵⁷ royal *vassi* also had a wide range of administrative tasks,¹⁵⁸ and non-combatants, such as priests, could also have lords. The older scholarly view, which saw lordship as defined by benefices, is also unsustainable.¹⁵⁹

Despite the variations in relationships, however, the terminology used suggests that some commonality was seen. The use of lordship as a social metaphor in texts, even in cases where another tie already existed, also suggests that the idea had ideological and moral force. What was seen as the ethical core of the relationship of a lord and subordinate? Here there is considerable agreement between modern scholars and the Carolingian sources. The key aspect was the fidelity of the subordinate to his

¹⁵² See e.g. (Schlesinger 1953, 251-253) on the impact of theocratic ideas of royal office.

¹⁵³ See e.g. *Capitulaire missorum in Theodonis villa datum secundum* 805 (Cap. I no 44 p 124) c 9.

¹⁵⁴ *Concilium Moguntinum* 847 (Cap. II no 204 p 71) c 2 has Charles the Bald decree: 'Volumus etiam ut unusquisque liber homo in nostro regno seniorem, qualem voluerit, in nobis et in nostris fidelibus accipiat.' (Reynolds 1994b, 87): the context of this and similar declarations is often divisions of the kingdom or inter-kingdom agreements and so may be atypical. (Bloch 1962, 182) also suggests that Charles' words here mean 'we permit' rather than 'we ordain'.

¹⁵⁵ (Le Jan-Hennebicque 1990).

¹⁵⁶ (Schlesinger 1953, 235-241) against (Kuhn 1956; Kroeschell 1969).

¹⁵⁷ (Odegaard 1945, 18-24) shows the important military role of *vassi*.

¹⁵⁸ (Ganshof 1939, 149-150, 168-169).

¹⁵⁹ (Reynolds 1994b, 92-98). (Reuter 1985, 81-84): military followings might be supported directly by a lord.

lord. Lordship was frequently used as an analogy in texts, such as oaths to rulers, which wanted to stress the need for fidelity in a relationship.¹⁶⁰

Fidelitas, however, was an almost infinitely flexible concept.¹⁶¹ Some scholarship has contrasted a reciprocal Germanic ‘Treue’ between lord and follower with Christianised or Roman-derived ideas of simple obedience by a subordinate.¹⁶² However, the earliest sources do not support a specifically German concept of fidelity,¹⁶³ and by the Carolingian period, it is clear that Christian thinking had strongly pervaded ideas of fidelity.¹⁶⁴ A look at the specific demands made on both lords and men is more helpful.

These obligations probably depended partly on the status of both parties. Odegaard argues from a study of oaths imposed by rulers that royal *fideles* had to promise help, counsel and aid according to their *ordo* and person to their lord, unlike the ordinary subject, who promised only loyalty.¹⁶⁵ Dhuoda has one of the most explicit discussions of the duties owed to a (royal) lord, along with Biblical models for behaviour towards one’s *senior*.¹⁶⁶ She says that Bernard (and God) chose Charles

¹⁶⁰ (Becher 1993, 145-163) shows that this analogy was used in the general oath of 789 even though there is no definite evidence that vassals had previously sworn oaths. Cf. the profession of faith by the bishops in *Capitula electionis Hludowici Balbi Compendii facta 877* (Cap. II no 283E p 365): ‘isti seniori et regi meo Hludowico...secundum meum scire et posse et meum ministerium et auxilio et consilio fidelis et adiutor ero, sicut episcopus recte seniori suo debitor est’.

¹⁶¹ (Kroeschell 1969, 481-482) sees *fidelitas* and *infidelitas* as key concepts in the capitularies, in contrast to the *leges*. (Magnou-Nortier 1975, 38-40; Becher 1993, 201-212) particularly stress the Programmatic Capitulary 802 (Cap. I no 33 pp. 92-93) c 2-9 as marking a new understanding of fidelity to the emperor.

¹⁶² See e.g. (Schlesinger 1953, 235, 253; Green 1965, chapter 4).

¹⁶³ (Graus 1959; Kroeschell 1969).

¹⁶⁴ (Kroeschell 1969, 478) notes the use of the phrase ‘fideles Dei et regis’. Charles the Bald had a Jewish fidelis (Tessier no 417), but AB 841 saw as an evil that ‘persecutores fidei Christianae domini Christianorum existerent’.

¹⁶⁵ (Odegaard 1941). Such counsel had to be suitably given, however. *Capitula ad Francos et Aquitanos missa de Carisiaco 856* (Cap. II no 262 p 281) c 10 says that if Charles the Bald breaches the *pactum* ‘illum honeste et cum reverentia, sicut seniore decet, ammonemus’.

¹⁶⁶ LM 3-4: ‘Lege dictas vel vitas sanctorum praecedentium patrum, et invenies qualiter vel quomodo tuo seniori debeas servire atque fidelis adesse in omnibus.’ She specifically mentions the *famulus* of Abraham and David’s commanders, showing service seen both as domestic and military.

to be served by William.¹⁶⁷ William must therefore serve him with ‘pure and certain faith’. He must be without ‘annoyance, half-heartedness and laziness’, ‘truthful, vigilant, useful and distinguished.’¹⁶⁸ Above all, he must avoid *infidelitas*.¹⁶⁹ She adds elsewhere that William should give good advice, cherish his lord’s kinsmen, and pray for his lord.¹⁷⁰ She hopes that in return Charles will reward William.¹⁷¹ Dhuoda has little to say to William, in contrast, about being a lord himself.¹⁷² The other lay mirrors say almost nothing on lordship, apart from Alcuin’s comment that one form of pride is when men are reluctant to obey their lords.¹⁷³

The main instruction of the capitularies for followers is that they must not leave their lords.¹⁷⁴ Occasionally the capitularies, unlike the earlier *leges*,¹⁷⁵ also include specific penalties for those who attack their own lord.¹⁷⁶ Instructions to lords

¹⁶⁷ LM 3-4: ‘Seniorem quem habes Karolum, quando Deus, ut credo, et genitor tuus Bernardus...tibi ad serviendum elegit’. Cf. Alcuin, Epistola 33 to Count Maginhar (Epp. 4 p 75): ‘Fidelis esto ad dominos, quos dedit tibi Deus.’

¹⁶⁸ LM 3-4: ‘puram et certam illi in omnibus tene utilitatis fidem...sine molestia et tepiditate atque pigritia, fideliter est serviendum...sis verax, vigil utilisque atque praecipuus.’

¹⁶⁹ LM 3-4: ‘non sit ortus nec in corde unquam ascendens ut infideliis tuo seniori existas in ullo...ars enim haec, ut aiunt, nequaquam in tuis progenitoribus non apparuit unquam, nec fuit, est, nec erit nec ultra.’ As has often been pointed out, Dhuoda’s fervent insistence on the persistent fidelity of William’s line is probably linked to Bernard’s reputation.

¹⁷⁰ LM 3-5, 3-8, 8-6.

¹⁷¹ LM 8-6: ‘tuamque pubertatis vigorem...dignetur ad summum perducere statum’. Similarly she points out in 3-4, that fidelity to one’s lord will be ‘tuus tuisque famulantibus utilissimus, ut credimus, adcrescens profectus.’ Such expectations of reward were taken very seriously. The Capitula ad Francos et Aquitanos missa de Carisiaco 856 (Cap. II no 262 p 280) c 6 promises to consider favourably the cases of those who had been forced by *paupertas* into joining the *coniunctio* against Charles the Bald: ‘ut aliquid impetraret, quod per servitium impetrare non potuit.’

¹⁷² LM 4-8 says that William must correct the sins of his ‘subjects’ (‘Quidquid enim in subditis delinquitur, a maioribus requiritur.’) and be merciful to them (‘Esto namque et tu in minimis subiectisque tuis...misericors’) without specifying their status.

¹⁷³ DVV 27: ‘Fit etiam per contumaciam superbia, quando dispiciunt homines senioribus obedire suis.’

¹⁷⁴ See e.g. Hlotharii, Hludowici et Karoli conventus apud Marsnam primus 847 (Cap. II no 204 p 71) Adnuntiatio Karoli c 3: nor must anyone receive such men.

¹⁷⁵ (Graus 1959, 88-89).

¹⁷⁶ Capitulatio de partibus Saxoniae (Cap. I no 26, p 69) c 12, 13: death for someone carrying out raptus of lord’s daughter or killing lord or lady; Praeceptum Karoli III (Cap. II no 237 pp.

in the capitularies show lordship mainly as a means of social control,¹⁷⁷ and are often linked to intra-kingdom agreements.¹⁷⁸ Lords had to ensure their men came to the host,¹⁷⁹ and control them on their way there, or face punishment themselves.¹⁸⁰ The name of a man's lord was one way of identifying him for official purposes.¹⁸¹ Lordship, to the capitularies, was intended to enforce royal authority, not undermine it.¹⁸² One capitulary allowed men to swear oaths of fidelity only to the ruler and his own lord 'ad nostram utilitatem et sui senioris'.¹⁸³ This emphasis on 'utility' meant that exemptions from the rules on lordship could be granted as a privilege in specific cases.¹⁸⁴

The capitularies do, however, make a few attempts to protect the men of lords. Their regulations on when a man may leave his lord show the (negative) moral expectations of the superior in the relationship: violence against the man or his family or a failure to protect him.¹⁸⁵ More positively, kings stressed that they would behave

142-143): exile for the 'nefarium malum' of killing one's lord. However, the record of a judgement in a particularly nasty case, where a man had a slave kill his two *domini*, both children (Cap. I no 129 p 257) does not show any special outrage; the punishment, as normal, is a fine.

¹⁷⁷ (Bloch 1962, 157-158).

¹⁷⁸ See e.g. *Divisio regnorum* 806 (Cap. I no 45 pp. 128-129) c 7-10, 14.

¹⁷⁹ See e.g. *Capitulare missorum de exercitu promovendo* 808 (Cap. I no 50 p 137) c 1.

¹⁸⁰ *Admonitio ad omnes regni ordines* (Cap. I no 150 p 305) c 17.

¹⁸¹ *Capitula per missos cognita facienda* (Cap. I no 67 p 157) c 3.

¹⁸² *Capitula de rebus exercitalibus in placito tractanda* 811 (Cap. I no 73, p 165) c 8 complains about men who claim they should stay with their lords at home, rather than joining the host (especially those who have commended themselves to *seniores* who they know are not going with the host). *Hludowicii II capitulare Papiense* 850 (Cap. II no 213 pp. 86-87) c 3: the *senior* of a man killed as a *latro* must not seek revenge, or he may be held to be an accomplice.

¹⁸³ *Capitulare missorum in Theodonis villa datum secundum, generale* 805 (Cap. I no 44 p 124) c 9.

¹⁸⁴ The right to leave a lord freely was given to Spanish settlers in Aquitaine (*Praeceptum pro Hispanis* 844 (Cap. II no 256 p 259) c 5) and also to vassi of Charles the Bald in the particular difficulties of 856 (*Capitula ad Francos et Aquitanos missa de Carisiaco* (Cap. II no 262 p 282) c 13).

¹⁸⁵ *Capitulare Aquisgranense* (Cap. I no 77 p 172) c 16 (if lord wants to kill him, beat him with a staff, pollute his wife or daughter or take his inheritance). *Capitula francica* (Cap. I no

justly towards their *fideles*,¹⁸⁶ and demanded that these behaved similarly to their own men.¹⁸⁷

The supposedly affective and personal aspect of lordship is rarely seen in the capitularies.¹⁸⁸ Nor is it paramount in one of the most detailed account of a lord's moral behaviour, Pseudo-Cyprian's sixth abuse, the 'dominus sine virtute'.¹⁸⁹ This was a favourite passage of Hincmar, who saw it as applying not only to kings, but to all who 'dominated'.¹⁹⁰ Pseudo-Cyprian stresses that the lord must have 'virtus', which he can obtain only by the help of the 'Lord of lords'. Unless the lord is strong, he and all those he 'supports' will fall.¹⁹¹ This strength is not purely moral:

This strength of virtue does not require external might, although this also is necessary to secular lords, but rather inner spiritual power, which ought to be practised through good morals. For often the virtue of commanding is lost by weakness of spirit, just as is confirmed to have happened to Eli the priest. Since he did not coerce his erring sons through the severity of a judge, the Lord did not spare him their revenge, as if consenting. Three things are necessary for those who rule, namely fear, obedience and love; for unless the lord is equally loved and feared, his commands will avail little. Through favours and friendliness, let him seek to be loved, and through just

104 p 215) c 8 (if lord unjustly wants to reduce him to *servitium*, commits adultery with his wife, tries to kill him, or if the lord can defend him and does not do so).

¹⁸⁶ See e.g. Hludowici, Karoli et Hlotharii II conventus apud Saponarias 862 (Cap. II no 243 p 163-164) Adnuntiatio domni Hludowici c 3.

¹⁸⁷ See e.g. Hlotharii, Hludowici et Karoli conventus apud Marsnam primus (Cap. II no 204 p 71) Adnuntiatio Karoli c 4; Capitulare Carisiacense 877 (Cap. II no 281 p 358) c 9.

¹⁸⁸ Decretum Vermeriense (Cap. I no 16 p 41) c 9 discusses the case of someone who follows his lord, 'cui fidem mentiri non poterit' to another province and whose wife refuses to follow him. Capitulare Carisiacense 877 (Cap. II no 281 p 358) c 10: Charles the Bald envisages that some of his *fideles* may want to enter monasteries after his death, 'Dei et nostro amore compunctus'. Cf. Quierzy letter c 4: Louis the German is told to think of the time: 'quando anima vestra de corpore exiet,...et sine solatio et comitatu drudorum atque vassorum nuda et desolata exhibit'.

¹⁸⁹ Pseudo-Cyprian pp. 43-45.

¹⁹⁰ Ad Carolum III 5: 'et non solum regi, sed et omni qui in dominationis est potestate'; De ordine 10 (in a discussion of counts and iudices): 'quicunque in omni ordine et professione in dominatione constituuntur, et domini appellantur'; Ad episcopos 8: 'qui non solum regi, sed et omnibus, qui dominorum censentur nomine, convenit'. LRC 2 also uses extracts, referring specifically to royal behaviour.

¹⁹¹ Pseudo-Cyprian p 44 (quoted in De ordine and Ad episcopos): 'Sic et princeps, nisi suo conditori pertinaciter adhaeserit, et ipse, et omne quod continet, cito deperit.'

punishments, not for injury to himself, but violations of the law of God, let him strive to be feared.¹⁹²

The lord who is close to God will in turn have this control increased: 'For if he should begin to have the Lord of lords as his helper in acts, no man will be able to hold his domination in contempt.'¹⁹³

Discussions of the morality of lordship have often relied less on normative sources and more on 'literary' evidence from poetry or narrative texts.¹⁹⁴ Although such analysis has concentrated on vernacular sources,¹⁹⁵ there seems no reason why Latin texts cannot demonstrate similar attitudes.¹⁹⁶ One Carolingian poem does show this: Walahfrid Strabo's panegyric to Ruadbern, who helped secure the release of Louis the Pious and Judith. Walahfrid praises his faithfulness, bravery and cunning, and sees him as example to all:

Just as the man aware
of his treachery wastes away, his breast racked by its poison,
so, or rather much more, may those who have kept in their hearts
an allegiance to their lords that has proved invincible
in all disasters discover every balmy joy.¹⁹⁷

¹⁹² Pseudo-Cyprian pp. 43-44 (quoted in *Ad episcopos*, and partially in *De ordine* and *Ad Carolum III*): 'Sed hic virtutis rigor, non tam exteriori fortitudine, quae et ipsa saecularibus dominis necessaria est, indiget quam animi interiori fortitudine per bonos mores exerceri debet. Saepe enim dominandi virtus animi negligentiam perditur, sicut in Heli sacerdote factum fuisse comprobatur. Qui dum per severitatem iudicis peccantes filios non coercuit, eorum vindicta Dominus velut consentienti non pepercit. Tria ergo necessaria hos qui dominantur habere oportet, terrorem scilicet, et ordinationem, et amorem; nisi enim ametur dominus pariter et metuatur, ordinatio illius constare minime potest; per beneficia ergo et affabilitatem procuret ut diligatur, et per iustas vindictas, non propriae iniuriae, sed legis Dei, studeat ut metuatur.'

¹⁹³ Pseudo-Cyprian p 45 (quoted in *Ad episcopos* and *Ad Carolum III*): 'Si namque coeperit in actibus suis auxiliatorem habere dominum dominorum, nullus hominum contemptui habere poterit eius dominatum.'

¹⁹⁴ See e.g. (Kroeschell 1969, 468-469; Hill 2000).

¹⁹⁵ See e.g. (Schlesinger 1953, 242-244; Green 1965).

¹⁹⁶ Tacitus, for example, is the starting point for almost all discussions of 'Germanic' lordship.

¹⁹⁷ Walahfrid Strabo, *Carmen* 38 (PCR pp. 216-221) v 89-93:

Quantum sibi conscius ille
Perfidiae confusa globis per pectora tabet,
Tantum, vel potius multo magis, omnia secum
Laetitiae fomenta habeant, qui fida reservant
Corda suis dominis casusque invicta per omnes.

Lordship, however, is rarely the emotional centre of other Carolingian secular poems. *Waltharius* is set almost entirely in a world of followings and warbands, and uses the vocabulary of lordship, but Walter, the poem's hero abandons his lord and robs him.¹⁹⁸ Hagan's relationship with Gunther is more emotional. The poem refers to him fleeing to his lord,¹⁹⁹ and during the final fight, he pales at the sight of his lord's blood.²⁰⁰ Yet Gunther twice has to make long appeals to his men to fight for him, which hardly suggests a bond of total fidelity.²⁰¹ Graus sees *Waltharius* as the only early epic where 'Treue' is a central theme, but argues that fidelity to a lord is not automatically seen as over-riding other relationships.²⁰²

Ermoldus has only two fleeting references to the emotional bonds of lords and followers.²⁰³ Abbo shows the military retinues of lords fighting bravely for them,²⁰⁴ but rarely stresses the affective nature of this relationship. When Adalaelmus encourages the men of Robert Faretratus to avenge his death, his emphasis is on Robert as his relative, not their lord: 'Come on, brave men, take your arms and

¹⁹⁸ *Waltharius* v 149-150: Walter calls himself a *servus* to his *dominus* Attila. Hildegund also abandons the queen, despite the high position she has been given (v 113-114: 'custos thesauris provida cunctis / efficitur').

¹⁹⁹ *Waltharius* v 120.

²⁰⁰ *Waltharius* v 1366. After the fight, however, Hagan shows no particular concern for his wounded lord.

²⁰¹ *Waltharius* v 941-953, v 1064-1088. Hagan's relationship to Gunther does suggest a bond of 'fidelity' rather than simple 'obedience'. He initially refuses to fight for Gunther, although his anger at Gunther's reproaches is seen ambiguously: v 632-633: 'Tunc heros magnam iuste conceperat iram, / si tamen in dominum licitum est irascier ulli.' Finally, however, Hagan yields: the stress in his speech is on Gunther's position as king (v 1109-1110), rather than any emotional bond.

²⁰² (Graus 1959, 80-82).

²⁰³ In honorem v 528-529: William of Toulouse refrains from killing Zado from 'regis amorque timorque'; v 1718-1719: the 'puer' of Coslus kills his slayer, 'domini praevinculus amore'.

²⁰⁴ Abbo I 68-73 (Ebolus is wounded, but Frederick, his young *miles* is killed); II 28-30 (Odo's men come to his help); II 189-194 (the *senior* Segebertus and *iunior* Segevertus die together).

shields, / and let us rapidly hasten to avenge my uncle.'²⁰⁵ The most important relation of lordship that Abbo shows is that between St Germanus and his people: several times Abbo expressly calls him 'my lord'.²⁰⁶

Similarly, the epitaphs of noble laymen do not stress the particular grief of their own men; all are invited to weep for them.²⁰⁷ Angelbert's poem on Fontenoy complains of the treachery of Lothar's *duces*,²⁰⁸ but he focuses on the evils of civil war and the breaking of Christian and kinship ties, not on a betrayed or valiantly defeated lord. The *Carmen de Ludovico II imperatore*, which does show a betrayed king, casts Louis II not as a secular lord, but as a Christ-like martyr.²⁰⁹

Some of the 'classical' themes of lordship are visible in narrative sources: men willing to die for their lords,²¹⁰ or revenging their lords,²¹¹ and the affection felt towards a former lord.²¹² Occasionally men are condemned for their betrayal of their lords,²¹³ and lords are also sometimes seen coming to the aid of their own men.²¹⁴ Yet

²⁰⁵ Abbo I 454-455: 'Eia, viri fortes, clipeos sumatis et arma, / Ulciscique meum raptim properemus avunculum'.

²⁰⁶ Abbo II 38, 349.

²⁰⁷ See e.g. Poet. I pp. 109-110 (Eggihard); Paulinus, Carmen 2 (Poet. I pp. 131-133). Cf. the *placitus* on Charlemagne's death (PCR pp. 206-211). VK 13, 19 show Charlemagne's tears not for the death of his nobles in battle, but that of Pope Hadrian. (This contrasts with Charlemagne's extreme grief for his slain men in the *Chanson de Roland* e.g. v 2412-2417; 3711-3712).

²⁰⁸ Angelbert, Versus de bella quae fuit acta Fontaneto, Stanza 5.

²⁰⁹ Poet. III pp. 404-405: Unlike Angelbert's poem, however, this poem does not refer to Judas.

²¹⁰ See Chapter 2, pp. 70-75. The importance of the lord is seen in a less heroic way in Regino 867, where the army of Robert the Strong disperses on his death. In Thegan 52 Lothar makes 'martires' of Louis' *fideles*, but it is not clear that they were specifically offered the chance to change sides.

²¹¹ See e.g. Regino 818. Cf. Alcuin, Epistola 231 (Epp. 4 p 376 on Torhtmund).

²¹² VK 2 (Carloman in his monastic retirement was troubled by *nobiles* who wanted to greet their former lord). VK, preface: Einhard is writing in memory of Charlemagne, his 'dominus et nutritor', with whom he dwelt in 'amicitia' in court.

²¹³ See e.g. AF 863, 869 (Gundachar); AB 874 (the Breton lord Salomon deserved to be slain because he had killed his own lord in a church). (There is no mention of this in other annals). AB 864 reports, without particular disapproval, that Abbot Hubert of St-Maurice was slain by his own men. AF(M) 886 claims that 'Heimrih comes a suis desertus et ab hostibus circumdatus occiditur', but AV, Abbo and Regino do not refer to any 'desertion'.

such incidents are not developed by the sources into exemplary, inspirational scenes in the way that the Anglo-Saxon Chronicle treats the Cynewulf episode.²¹⁵

Fidelity is an important theme of several of the works composed about the political crises of Louis the Pious and his successors, but the key relationship is not necessarily that of noble laymen to royal lord. While the Astronomer accuses the *principes* and *populus* of attacking and abandoning Louis,²¹⁶ Thegan's harshest words about 'betrayal' are addressed to Ebbo and Lothar.²¹⁷ Nithard's work shows a greater sense of affective secular lordship: betrayal of the king by nobles is frequently contrasted with loyalty.²¹⁸ Yet other values seem equally important to him. In his concluding chapter, he sees the problems of the age as due to a lack of respect for the common good;²¹⁹ personal lordship is not stressed in his vision of harmony under Charlemagne.

Overall, the morality of lordship seems at once pervasive and curiously intangible. The bond of lord and man was a key ethical model,²²⁰ yet actual relationships between lay followers and lords were rarely celebrated. Lordship was instead only one of many social ties;²²¹ even Dhuoda, who most stresses the moral duties of a man to his lord, explicitly prioritises William's ties to his father.²²² This

²¹⁴ Nithard 3-4 (Charles the Bald comes to the rescue of his *fidelis* Adalgar); Regino 884 (Carloman protects the *satelles* who had fatally wounded him by accident). Charles the Bald also instituted memorial prayers for some of his *fideles* from the late 860s, a Merovingian tradition that Carolingian rulers had abandoned after 786 ((Ewig 1982)).

²¹⁵ Anglo-Saxon Chronicles 755A, E.

²¹⁶ Astronomer 44, 48.

²¹⁷ Thegan 44, 53. The *Libellus proclamationis adversus Wenilonem* 859 (Cap. II no 300 pp. 450-453) shows how seriously kings took the need for fidelity by their bishops.

²¹⁸ However, unlike Astronomer 48 and Thegan 42, Nithard 1-4 does not specifically describe the desertion of Louis the Pious' supporters in 833 as happening at the 'Field of Lies'.

²¹⁹ Nithard 4-7

²²⁰ See e.g. *Novi regis* 9: 'Sicut enim homo subjectus vadit sollicite cum seniore suo...et si in aliquo fecerit, quod seniori suo displiceat, hoc statim emendare festinat, ut ad gratiam illius reveniat: sic vobis necesse est ut sollicite ambuletis cum seniore vestro rege regum'.

²²¹ (Althoff 1990b, 113) sees efforts to give it priority in the tenth century.

²²² LM 3-2.

ambivalence may be due to the Carolingian political context. Recent studies of lordship in other medieval cultures see many of the key texts not as simple descriptions of the moral norms of lordship, but as works with their own political and ideological agendas.²²³ Hill has argued that ideas of 'transcendental lordship' in texts such as the *Anglo-Saxon Chronicle* and *The Battle of Maldon* were intended as ideological support for West Saxon kings.²²⁴ Carolingian kings secured their rule by other ideological approaches, perhaps making promotion of lordship in general less necessary.²²⁵

Even focusing solely on royal lordship may have had ideological problems. Carolingian politics normally aimed at the political reintegration of noble offenders. Opponents, including 'traitors', were frequently reconciled to kings; fidelity could always be resumed.²²⁶ Sources from the 830s onwards show a number of nobles swapping allegiances between kings.²²⁷ Lordship could thus not easily be described as an absolute, unbreakable relationship, without causing political problems.

KIN AND FRIENDS

Kinship ties were so strong legally that Salic law required a special act to leave the *parentela*.²²⁸ Ties of kinship and friendship were also important both

²²³ See e.g. (White 1996). (Graus 1959, 88) suggests that the *Heliand* was intended to preach fidelity (in all its senses) to an audience of Saxons, seen by many Carolingian sources as faithless.

²²⁴ (Hill 2000, 129-145).

²²⁵ There is no Frankish equivalent to the view of the Anglo-Saxon Chronicles 755 A, E that loyalty even to a lord (Cyneheard) rebelling against the king is admirable. The texts which do stress the close relationship of royal lord and *fidelis* tend to be written at times of royal crisis e.g. Walahfrid's poem on Rudabern in 834, *Capitula ad Francos et Aquitanos missa de Carisiaco* 856 (Cap. II no 262 pp. 279-282).

²²⁶ See e.g. ARF 822 (Wala and Adalard), AB 839 (Lothar's supporters). The same procedures were probably used at a lower level, though these are far less visible. AF 848 reports of Louis the German: 'homines etiam Hrabani episcopi adversus dominum suum conspirantes publice convictos cum eo pacificavit.'

²²⁷ See e.g. AB 834 (Lothar's followers), AB 861 (Uto, Berengar and Adalard). Such actions were actively encouraged by kings see e.g. AB 841 (Louis the German and Charles the Bald), AB 875 (Louis the German).

²²⁸ PLS 60.

socially and politically.²²⁹ As a result, there has been much interest in the structure of noble families. Schmid's influential view saw the early Middle Ages dominated by the *Sippe*, a large group of bilaterally related kin, as opposed to a later period when narrower families based around a patrilinear lineage developed.²³⁰ More recent research, however, has shown that the *Sippe* (or some other form of wider kinship group) co-existed with a considerably narrower 'nuclear family' for many purposes during the period.²³¹ In the Carolingian period, changing definitions of consanguinity affected marriage patterns,²³² while rulers encouraged the movement of aristocratic families within the empire and marriages between the component kingdoms.²³³ The use of godparenthood to create social ties was intensified.²³⁴ Kinship ties might be reinforced or increased by the formation of ties of *amicitia*, made either with more distant relatives,²³⁵ or with non-relatives. Such 'friendships' were not subjective feelings, but had a contractual character, which pledged the parties to mutual help and support. They were reinforced by rituals, such as oaths and meals.²³⁶ Close ties were created: *amici* appeared among family groups in *libri memoriales*.²³⁷

Such natural or created ties could have both 'horizontal' and 'vertical' components, linking people not only with social equals, but also the more powerful or

²²⁹ (Althoff 1990b, 31-33).

²³⁰ (Schmid 1957). The usefulness of the *Sippe* as a legal concept has long been questioned ((Althoff 1990b, 34)). It is also doubtful that the *Sippe* as a whole had much coherent political power ((Le Jan 1995, 393)). Kin groups, and even brothers did not necessarily hold together in times of political conflict, as (Airlie 1985, 21-24, 113-114) shows. More recent scholarship which still uses the concept of the *Sippe* therefore stresses the fluidity and mutability of such wider kin groups ((Althoff 1990b, 34-36)).

²³¹ (Bouchard 1986; Le Jan 1995, 331-).

²³² See Chapter 4, p. 219.

²³³ (Althoff 1990b, 47-48). (Le Jan 1995, 126-128) sees Carolingian rulers as attempting to weaken familial solidarity by extending incest prohibitions and restricting feuds, but the evidence is not compelling. (See Chapter 4, section 4 on incest).

²³⁴ (Lynch 1986, chapter 7) discusses the 'proliferation of spiritual kinsmen.'

²³⁵ (Le Jan 1995, 83): *amici* were often sought from within maternal kin.

²³⁶ (Althoff 1990b, 86-87).

²³⁷ (Le Jan 1995, 386-387).

impoverished.²³⁸ There was also an increasing tendency to ‘blend’ such ties with those of lordship: magnates for example might be involved in the *amicitia* agreements of their rulers.²³⁹ Yet ‘vertical’ kinship was not simply a one-way relationship. Powerful figures could provide patronage at court, but might themselves need support at times of crises. The ‘imperial aristocracy’ could move between regions or even kingdoms, precisely because they had kin networks already there to support them and provide their followings.²⁴⁰

Family morality

The basic unit of kinship was the nuclear family, regulated by two main moral principles: love and obedience. The lack of these qualities, indeed, was a sign of hell.²⁴¹ Hierarchy existed even within this unit. The legal power of the father was considerable, including the ability to sell his children into slavery.²⁴² Moralists insisted on the hierarchy of husband-wife²⁴³ and parent-child.²⁴⁴ Children had to obey

²³⁸ (Innes 2000, 85-87).

²³⁹ See e.g. (Nelson 1985, 266-267): in 842 the magnates were made the guardians of the pact of Charles the Bald and Louis the German through the Strasburg oaths. In honorem v 2239-2247 shows Louis the Pious’ sponsorship of Herold’s baptism reinforced by his *proceres* sponsoring members of Herold’s entourage.

²⁴⁰ See e.g. (Innes 2000, 207-210) on Robert the Strong’s movements. (Althoff 1990b, 47) sees the political effectiveness of the *Sippe* increasing in the ninth century, but stresses that it was individual family members who were able to build up their position as a result of this, not the group as whole (p 50).

²⁴¹ LE 49 in hell ‘nec mater diligit filium aut filiam, nec filius honorat patrem’. Angelbert, *Versus de bella quae fuit acta Fontaneto*, stanzas 1-2: ‘Sabbati non illud fuit sed Saturni dolium. /...Frater fratri mortem parat, nepoti avunculus, Filius nec patri suo exhibet quod meruit.’ Quierzy letter c 5 complains about acts worse than those suffered from pagans, since ‘a parentibus in parentes...a fratre in fratrem contra omnes leges divinas et humanas aguntur’.

²⁴² *Edictum Pistense* 864 (Cap. II no 273 pp. 325-326) c 34.

²⁴³ See Chapter 4, pp. 220-221.

²⁴⁴ A moral hierarchy of brothers by age is also sometimes visible (see e.g. AF 839; VA 32 ‘Erat autem major natus senex noster sanctissimus...; maturior consilio, eximior omnibus sanctitate’) yet was not necessarily accepted. Thegan 3 claims that Louis was the best of his brothers, despite being the youngest.

their parents; more specifically, sons had to obey their fathers,²⁴⁵ and fathers had to control their sons. An admonition of Charlemagne summed this up:

Let wives be subject to husbands in goodness and chastity, keeping themselves from fornication, sorcery and avarice...Let them nurture their sons in the fear of God...Let husbands love their wives and not say dishonourable words to them, ruling their houses in goodness...Let sons love and honour their parents; let them not be disobedient to them, let them avoid theft, homicide and fornication²⁴⁶

The rhetoric of brotherly love and filial obedience formed part of political discourse whenever there was more than one Carolingian ruler.²⁴⁷ Dhuoda stressed the need for William to take care of his little brother Bernard,²⁴⁸ and also how William must 'fear, love and be faithful to' Bernard.²⁴⁹ She provided Biblical examples showing that sons who love and obey their fathers are rewarded by God and achieve earthly success, while disobedient sons suffer misfortune, destruction and a shameful death. When William becomes a father, he will naturally want children who are 'not rebellious, proud and greedy, but humble, tranquil and obedient';²⁵⁰ he should likewise behave

²⁴⁵ See e.g. Hrabanus, *Epistola* 15 to Louis the Pious (Epp. 5 pp. 404-409) c 1 ('De honore parentum et subiectione filiorum', c 2 ('De his qui parentes suos vel maiores contempnendo dispiciunt'), c 4 ('Quod non liceat filiis parentes suos de hereditate et possessione propria expellere atque ab eis aliquid per vim seu fraudem auferre'). Both Thegan 53 and Einhard, *Epistola* 11 (Epp. 5 p 115) refer to Deuteronomy 21: 18-21, which allows the killing of disobedient sons.

²⁴⁶ *Missi cuiusdam admonito* (Cap. I no 121 p 240): 'Mulier sunt subiecti viri sui in moni bonitate et pudicitia, custodiant se a fornicatione et beneficiis et abaritiis...Nutriant filios suos in Dei timore...Viri diligant uxorem suam, et inhonesta verba non dicat ei, gubernet domus suas in bonitate...Filii diligant parentes suos et honoret illos; non sint inobedientes, caveant se a furtis et homicidiis et fornicationibus'.

²⁴⁷ The special pleading used to justify conflicts within the royal family show the potency of the norms even as they were breached: see e.g. EA 2-9; *Episcoporum de poenitentia, quam Hludowicus imperator professus est, relatio Compendiensis* 833 (Cap. II no 197) pp. 51-55; AF 858.

²⁴⁸ LM 1-7, 10-4.

²⁴⁹ LM 3-1: 'Qualiter domno et genitori tuo Bernardo...timere, amare, atque fidelis in omnibus esse debeas'.

²⁵⁰ LM 3-1: 'proles...non contumaces nec superbos cupidum animum abentes, sed humiles et quietos atque obedientes'.

suitably to his father. Her ideal model is Joseph, ‘so loving and so obedient to his father that he was even ready to die for him’.²⁵¹

Jonas, similarly devotes a chapter of his mirror to telling sons they must honour their parents. Those who refuse injure God and may be punished by him.²⁵² While Dhuoda, however, reminds William that his worldly position comes from Bernard,²⁵³ Jonas stresses that even a poor father should be respected: honour for parents also involves material support.²⁵⁴ Writing to an adult, Jonas focuses on the paternal role. One chapter heading is:

That parents should instruct their children diligently in the fear of God, teaching them how they ought to live chastely, and worship God and devote honour to parents. And how much peril should threaten those who neglect to do this²⁵⁵

Jonas quotes St Paul saying fathers should not provoke their sons,²⁵⁶ but is otherwise more concerned that fatherly love is restrained from becoming indulgence or favouritism.²⁵⁷ Parents must be more concerned to teach their sons God’s law than human law: he cites the fatherly admonitions of Job, David and Tobias. Yet paternal discipline had to go further: Jonas reminds his readers of the Biblical commands to use corporal punishment on sons.²⁵⁸ If boys at a ‘dangerous age’ were not corrected

²⁵¹ LM 3-3: ‘qui in tantum fuit diligens et obediens patri, ut etiam pro illo mortem potuisset accipere’.

²⁵² DIL 2-15.

²⁵³ LM 3-2: ‘ex illo tuus in saeculo processit status.’

²⁵⁴ DIL 2-15 (quoting Jerome, *Commentariorum in Matheum libri iv*, Book 2, 15, 4): ‘Praecepit, inquit, Dominus vel imbecillitates, vel aetates, vel penurias parentum considerans, ut filii honorarent, etiam in vitae necessariis ministrandis, parentes suos.’

²⁵⁵ DIL 2-14: ‘Ut parentes liberos suos diligenter in timore Dei erudiant, docentes eos qualiter caste vivere, Deumque colere, et parentibus honorem debeant impendere. Et quale periculum eis immineat qui id facere negligunt’.

²⁵⁶ Ephesians 6: 4.

²⁵⁷ DIL 2-14 (quoting Ambrose, *De Joseph* 2, 5): ‘sed frequenter amor ipse patrius nisi moderationem teneat, nocet liberis, si aut nimia indulgentia delictum resolvat, aut praelatio unius caeteros ab affectu germanitatis avertat.’ Ambrose and Jonas, do however, defend Jacob’s preference for his most deserving son.

²⁵⁸ DIL 2-14 quotes Proverbs 23: 13-14 on beating sons and Ecclesiasticus 7: 26 on daughters: ‘serva corpus illarum, et non ostendas hilarem faciem tuam ad illas’.

by beating, their parents would not be able to restrain them later,²⁵⁹ and would be held responsible for their actions. Such paternal discipline was a form of love.²⁶⁰

Other sources also stress fathers' responsibilities.²⁶¹ The Council of Pavia 850 warns *patresfamilias* about the evils of delaying the marriage of their marriageable daughters. They are liable to penance if their daughters are 'corrupted' as a result while in their household.²⁶² These moral norms were summed up in the Biblical example of Eli,²⁶³ who brought disaster on himself and his whole family, by his laxness towards his sons.²⁶⁴

Moral texts say less about more distant kinship. A number of capitularies, however, particularly condemn the killing of relatives,²⁶⁵ and also show the pressures that might lead to this.²⁶⁶ There is (largely implicit) evidence for such moral duties towards relatives as prayer, support in feuds and patronage.²⁶⁷ Kin (and sometimes

²⁵⁹ DIL 2-14: 'sunt plerique parentes, qui filios suos dum lubricae aetatis existunt, verberibus ad bene agendum corrigere negligunt: qui cum ad intelligibilem aetatem pervenerint, et malis operibus deservire coeperint, non facile a malo cohiberi parentum castigatione possunt'.

²⁶⁰ DIL 2-14, quoting Jerome, *Ad Laetam* (Epistola 107, c 6): 'Si sollicita provides, ne filia percutiatur a vipera, cur non eadem cura provideas ne feriatur a malleo universae terrae'.

²⁶¹ Capitulary of Radulf of Bourges (Cap. episc. 1 p 251) c 23: 'si illi genitali affectu parcere velint iniuriis filiorum, non hos impune dominus sinit'.

²⁶² Conc. 3 no 23 p 224 c 9: they are punished either for their 'negligentia', or if they have acquiesced, receive more serious penance than the participants. Wulfad of Bourges, *Epistola* 27 (Epp. 6 p 191) warns all laymen against promoting or condoning intercourse with their female relatives in return for anyone's favour.

²⁶³ 1 Samuel 2.

²⁶⁴ See e.g. LM 4-8; DIL 2-14; LRC 19; *Epistola Concilii Aquisgranensis ad Pippinum regem directa* 836 (Conc. 2 no 56B pp. 749-750, Book 2 c 7).

²⁶⁵ See e.g. Programmatic capitulary 802 (Cap. I no 33 p 98) c 37 where killers of relatives are to be kept in custody, 'ut...nec caeterum populum quoinquinent'.

²⁶⁶ *Capitulare legibus additum* 803 (Cap. I no 39 p 113) c 5 (relatives trying to enslave one); *Capitula de rebus exercitalibus in placito tractanda* 811 (Cap. I no 73 p 165) c 10 (to avoid their relatives forcing them into the host); *Capitulare pro lege habendum Wormatiense* 829 (Cap. II no 193 p 18) c 2 (for inheritance). (Le Jan 1995, 87-88) gives examples of nobles killing their relatives, although captors might also treat captured relatives better (ARF 824).

²⁶⁷ (Althoff 1990b, 77-82). (Le Jan 1995, 240-242): from the late eighth century the consent of kin began to appear in the texts of charters.

also friends) were important in promoting and recognising marriages,²⁶⁸ and had a special responsibility to bury the dead and pray for them.²⁶⁹ Such groups of kin, however, were still largely orientated around a relatively restricted group of relatives: parents, spouse, siblings, children.²⁷⁰

The role of (male) relatives and friends in revenge and feud was key, although recent scholarship has questioned the idea of ‘blood-feud’; feud as a long-term, necessarily violent confrontation of two wide kin groups. Instead, scholars have stressed the disconnected nature of most acts of revenge, the relatively narrow range of relatives involved and the peaceful alternatives available.²⁷¹ Vengeance, in principle, however, remained morally acceptable, even to clerics.²⁷² While Le Jan saw an ‘ideological rupture’ in the attitude of Carolingian rulers to feud,²⁷³ their actual attempts at change were more limited. Alongside attempts to prevent all revenge killing and to force feuding parties to make peace,²⁷⁴ other capitularies try only to

²⁶⁸ (Le Jan 1995, 265-267).

²⁶⁹ DIL 3-15. Cf. Council of Mainz 847 (Conc. 3 no 14 p 173-174) c 26 on the prayers of *amici* reducing the penance of the mortally ill. Wulfad of Bourges (Epp. 6 pp. 190-191) also told the laity that they should distribute the alms of their dying relatives and friends faithfully and ensure that anything these relatives had wrongfully taken from the church or the less powerful was restored.

²⁷⁰ (Le Jan 1995, 36-38, 383-387). (Bouchard 1986, 642-643) discusses the relatives for whom Dhuoda wants William to pray.

²⁷¹ (Wallace-Hadrill 1962; Sawyer 1987).

²⁷² Alcuin, Epistola 231 (Epp. 4 p 376) praises Torhtmund, ‘qui fortiter sanguinem domini sui vindicavit.’ In Waltharius, Scaramund tries to avenge his uncle Camalo (v 686-701) and Hagan his nephew Batavrid (v 1268-1278), as well as his *socii*. Walter meanwhile tries unsuccessfully to use his friendship ties with Hagan to prevent them fighting (v 1239-1261). Abbo I 454-455: Adalaelmus wants to avenge the death of his uncle, Robert Faretratus. Cf. Arnulf’s speech before the Battle of the Dyle (AF(B) 891).

²⁷³ (Le Jan 1995, 91).

²⁷⁴ See e.g. Capitulare Haristallense 779 (Cap. I no 20 p 51) c 22 (the king will deal with the party who does not wish to settle a feud); Admonitio generalis 789 (Cap. I no 22 p 59) c 67 (no killing for revenge is allowed within the *patria*); Capitula legibus addenda 818-819 (Cap. I no 139 p 284) c 13 (counts are to ensure that feuds are settled by compensation and an oath of peace).

mitigate the worst effects of such feuds.²⁷⁵ Specific prohibitions on relatives, lords and friends being allowed to start feuds in particular circumstances (normally when the dead man has been killed while ‘resisting arrest’),²⁷⁶ imply that other types of feuds were allowed, as do the many passing references to feud.²⁷⁷

The favour and career advancement that well-placed relatives could bring is also clear.²⁷⁸ Such influence was not intrinsically problematic: Dhuoda explicitly accepted the principle that someone’s paternal origins allowed him to gain access to the highest men.²⁷⁹ There were, however, sometimes concerns about the particular strategies used, such as unsuitable marriages,²⁸⁰ or the misuse of godparenthood.²⁸¹ Paulinus compares ‘secular’ friendship unfavourably to Jesus’ friendship.²⁸² Marriages into the royal family could be particularly advantageous, but there were objections when this was done illegitimately, such as when princes married without

²⁷⁵ See e.g. *Capitula originis incertae* (Cap. I no 79 p 175) c 2 (those involved in feud not to cause trouble on Sundays and feast days); *Constitutio de expeditione Beneventana* 866 (Cap. II no 218 p 96) c 7: (punishment for feuding on the way to or returning from expedition).

²⁷⁶ See e.g. *Capitula italica* (Cap. I no 105 p 217) c 7; *Hludowicii II capitulare Papiense* 850 (Cap. II no 213 pp. 86-87) c 3; *Karolomanni capitulare Vernense* 884 (Cap. II no 287 pp. 372, 374-375) c 3, 10, 11.

²⁷⁷ See e.g. (Wallace-Hadrill 1962, 144-145); Einhard, *Epistola* 42 (Epp. 5 p 131). *Capitulare Carisiacense* 873 (Cap. II no 278 p 344) c 3 refers to the procedure for dealing with a suspect, ‘si talis est, quam aut parentes aut propter faidam homines accusare noluerint aut ausi non fuerint.’

²⁷⁸ (Althoff 1990b, 32-33). See also below pp. 141-142. Conversely, relatives of the powerful could be vulnerable in times of particular crisis: AB 830 (Judith’s brothers, Conrad and Rudolf, were forcibly tonsured while Bernard of Septimania’s brother Herbert was blinded); Nithard 1-5 (Bernard of Septimania’s sister, Gerberga, was killed by Lothar).

²⁷⁹ LM 3-2. While marrying off noble women was an important part of building kin networks and gaining power, only queens are visible in the sources as actively influencing patronage (see e.g. Notker 1-4, *Gesta sanctorum patrum coenobii Fontanellensis* 12, 1).

²⁸⁰ DIL 2-2 complains about men who delay marriage in order to gain *honores terreni* and then stray sexually; *Capitula e conciliorum canonibus collecta* (Cap. I no 114 p 232) c 1 prohibits marriages between those of dissimilar ages.

²⁸¹ DIL 1-6 complains about those who are godparents more from ‘amor mundi’ than ‘salutis causa’.

²⁸² LE 8: ‘Saeculi enim amicitia aut lucro, aut beneficiis, aut diversis honoribus constat: Salvatoris autem amicitia in se et proximos diligendo consistit.’

their father's consent²⁸³ or royal women were abducted.²⁸⁴ Otherwise, complaints about advancement via marriage into the royal family were made only about those seen as a bad influence.²⁸⁵

Family connections were particularly significant in gaining office.²⁸⁶ While men being ordained because of ties of kinship could be seen as simoniacs,²⁸⁷ there were no corresponding concerns about secular office. Several authors did complain, however, about those of (allegedly) low birth who used their own position to benefit their relatives.²⁸⁸ In some other specific circumstances, ties of kinship and friendship were also seen as dangerous, such as in influencing judges,²⁸⁹ creating bias in counsel-giving²⁹⁰ or concealment of criminals.²⁹¹

The basic norms of family morality (unlike sexual morality) seem to have widely accepted. Potentially, however, there was conflict between the duties owed to one's family and those owed either to one's God or to the state. The sources, however, rarely emphasise moral conflicts between religion and relatives. Detachment from kin

²⁸³ See e.g. Astronomer 21 (Louis the Pious is worried about the 'scandalum' of Odilo and Hiltrud being repeated); AB 862 (the marriages of Charles the Younger and Louis the Stammerer); AB 865 (Adalard's daughter betrothed to Louis the Younger).

²⁸⁴ AB 862: Charles the Bald was furious about Baldwin's marriage to his daughter Judith (although later reconciled to this). AF(B) 893: Engelschalk was exiled for carrying off an illegitimate daughter of Arnulf. AF(M) 887 claims that Liutward of Vercelli helped abduct a nun related to Charles the Fat. In contrast, Angilbert does not seem to have lost favour with Charlemagne, despite having children with the emperor's daughter Bertha. (VK 33: he witnessed Charlemagne's will).

²⁸⁵ See e.g. Nithard 4-6 (Charles the Bald marrying Ermentrude, the niece of Adalard the seneschal); AB 869 (Charles the Bald taking Boso's sister Richildis as concubine); AB 876 (claiming that Boso married Ermengard, Louis II's daughter, by an 'iniquum concludium').

²⁸⁶ See below pp. 141-142.

²⁸⁷ See e.g. Council of Attigny 822 (Conc. 2 no 42 p 472) c 6; De ordine 9.

²⁸⁸ Thegan 20 (on Ebbo); AF(M) 887 (on Liutward of Vercelli).

²⁸⁹ See section 8 of this chapter.

²⁹⁰ Conventus in villa Colonia 843 (Cap. II no 254 p 255) c 4: the kings were to take care to avoid acts contrary to justice and royal dignity which might be suggested by men motivated by 'privata commoditate aut reicienda cupiditate sive alicuius consanguinitatis vel familiaritatis seu amicitiae coniunctione'.

²⁹¹ See e.g. Capitulare missorum Silvacense 853 (Cap. II no 260 p 272) c 4: No-one is to conceal a *latro* 'pro amicitia vel propinquitate aut amore vel timore.'

ties was part of radical Christian rhetoric,²⁹² but found few echoes in Carolingian moralists. Hrabanus Maurus, even when a monk, for example, provided political support for his brother Guntram.²⁹³ Saints were occasionally shown as trying to break away from kinship ties, but not necessarily successfully.²⁹⁴ Both Paulinus and Dhuoda, told their lay recipient that a man's love and loyalty to God should come before that to his family.²⁹⁵ Yet this idea remained largely theoretical. The Council of Meaux-Paris 845-846 is unusual in seeing relatives as having a particular role in accusing those guilty of capital sins.²⁹⁶ It had to provide a specific theological justification for the practice, since it might be thought 'cruel and inhumane'.²⁹⁷

Conflicts between family loyalty and loyalty to rulers may have been more problematic. Dhuoda's view that William's loyalty to his father came before that to his king,²⁹⁸ was not one that rulers themselves would have appreciated. Nor did other lay nobles necessarily share it: Nithard's paternal family seems to have become important to him only after his hopes from Charles the Bald faded.²⁹⁹ Families could bring power, but such power had to be used correctly.

²⁹² See e.g. Matthew 10: 37; Mark 3: 31-35.

²⁹³ (Innes 2000, 200-202, 208-209).

²⁹⁴ Liudger, *Vita Gregorii abbatis traiectensis auctore Liudgero* c 2 refers to Gregory's holiness, following a 'peregrinus et pauper', as if deaf to 'alios homines et potentes seculi et proprios parentes'. Paschasius stresses Adalard's (unsuccessful attempts) to flee from his kin and friends (VA 11-13), while itself eagerly giving details of Adalard's brothers and sisters (32-35).

²⁹⁵ LE 21; LM 3-2. LE 8, 13 also include 'amicorum turba' and 'excusatio uxoris aut filiorum gratia' among the worldly things one should not love

²⁹⁶ Conc. 3 no 11 p 130, *Canones extravagantes*: 'Scelerosi et in capitalibus vitiis,...obstinati et incorrigibiles...in synodicis sunt accusandi conciliis. Quod praecipue ab illis fieri oportet, qui eis sunt carnis affinitate propinquiores.'

²⁹⁷ 'Ne quis crudele aut inhumanum estimat proximos delinquentes accusando persequi' (it then quotes Matthew 18:8-10 on plucking out an offending eye).

²⁹⁸ LM 3-2.

²⁹⁹ (Nelson 1985, 279-281)

3.5 KÖNIGSNÄHE

Closeness to the ruler and attendance at his court was a key source of power for nobles. Lupus of Ferrières probably exaggerated in telling Charles the Bald that he had created *potentes* and could bring them as low as he liked,³⁰⁰ but royal favour was essential for real prominence and there was keen competition for it.³⁰¹ *Königsnähe* brought a number of potential rewards: gaining office,³⁰² gifts,³⁰³ and favours for one's friends and supporters.³⁰⁴ In return, such men had a duty to give 'aid and counsel' to the ruler.³⁰⁵

The court became increasingly important as a political and social centre under the early Carolingians,³⁰⁶ and this importance endured until late in the ninth century.³⁰⁷ In the 890s, however, violence broke out in Lotharingia and the Main area, because some aristocrats were no longer able to get royal access. Rulers increasingly relied on individual figures monopolising the mediation between court and region and this destroyed the balance of local groups bound into king.³⁰⁸ Although this violence was unusual,³⁰⁹ problems were visible elsewhere. Nelson says of West Francia under

³⁰⁰ Lupus, Epistola 31 (I: 144): 'Ne metuatis potentes quos ipse fecistis et quos, cum vultis, extenuare potestis.'

³⁰¹ (Airlie 1995, 433-437; Innes 2000, 220). (Airlie 1990) similarly shows the advancement possible for lower royal servants.

³⁰² See section 7 of this chapter.

³⁰³ (Nelson 2003, 51).

³⁰⁴ (Althoff 1997b). Einhard's letters show the variety of requests for royal favours that a prominent *aulici* might make. See e.g. Epistolae 10 (Epp. 5 p 114) (exemption from attendance at court); 23 (p 121) (exemption from *heribannus*); 27-29 (pp. 123-124, 126-127) (retention of benefices); 30, 34 (pp. 124, 126-127) (grants of benefices).

³⁰⁵ (Odegaard 1941, 292-296).

³⁰⁶ (Airlie 2000; Innes 2000, 197-198; Nelson 2003).

³⁰⁷ (Airlie 1998b, 141-143): post-Carolingian networks of power were formed at the Carolingian court.

³⁰⁸ (Innes 2000, 224-231).

³⁰⁹ There had been occasional violence at the palace before: Astronomer 21: Louis the Pious took over Aachen in 814 violently in what was almost a 'coup d'État' ((Nelson 1998a, 189); Regino 883: Hugh murdered his previous favourite Count Wicbert.

Charles the Simple: 'The palace had ceased to function as a junction-box in the circuit of power'.³¹⁰

The court as moral problem?

This section will focus on two issues: general moral views of the court and the specific question of lay noblemen giving counsel. Later in the Middle Ages, court criticism became an accepted genre.³¹¹ Explicitly moral discussions of courts were largely hostile,³¹² seeing the court as turbulent and chaotic, and full of the lawless and proud. Above all, there was criticism of the moral corruption involved in the scramble for power at court. One could not stay there and remain clean. This criticism focused on court clergy, but could also include laymen.

Some scholars have seen such criticism as beginning in the ninth century,³¹³ but the starting point for Carolingian authors was very different. The court was seriously expected to be the moral centre of the realm.³¹⁴ Dhuoda is particularly explicit that William can learn virtue at court not just from clerics, but from the example of secular *potentes*.³¹⁵ She sees this virtue as allowing men to advance in the world.³¹⁶ Hincmar similarly sees the court as a *schola* where one learns 'discipline', which includes morally and socially correct behaviour.³¹⁷ *De ordine* describes how the correct administration of the 'sacrum palatium' can contribute to the 'restoration of the honour and the peace of the church and the kingdom'.³¹⁸ Poetry about the court includes many images of organised, ordered court hierarchies in which royalty,

³¹⁰ (Nelson 1992, 260).

³¹¹ (Szabó 1990).

³¹² (Jaeger, chapter 3).

³¹³ (Szabó 1990, 351-352).

³¹⁴ (Airlie 2000, 7-8).

³¹⁵ LM 3-9, 3-11.

³¹⁶ LM 3-10.

³¹⁷ Quierzy letter c.12: discipline 'quae alios habitu, incessu, verbo et actu atque totius bonitatis continentia corrigit.' (Innes 2003) shows the court as specifically providing a moral education for young noblemen.

³¹⁸ *De ordine* 1: 'ad reerectionem honoris et pacis ecclesiae ac regni'.

laymen and clerics in harmony fulfil their allotted tasks.³¹⁹ Even Notker, with his anecdotes about problems at court, sees it positively overall.³²⁰ Some clerics and laymen were reluctant to be at court themselves or unhappy about its state,³²¹ but they were still keen to use their palace contacts and any influence they had.³²²

Criticism of courtiers as a group tended to focus on clerics. In the circulation poems of Charlemagne's court, one layman is teased, but the most hostile barbs are for fellow scholars.³²³ Complaints about scrambles for power and office at court also mainly concern clerics.³²⁴ Some moralists did worry, however, about lay behaviour at court, such as sexual immorality. The sexual freedom Charlemagne gave to his daughters was notorious and often implicitly or explicitly criticised.³²⁵ The capitulary on palace discipline shows wider worries about decency at court.³²⁶ As usual, worries about sexuality could be a way of secretly making political points: this is particularly visible in criticisms of Judith.³²⁷ Even so, such concern was intermittent: Dhuoda does

³¹⁹ See e.g. *Karolus Magnus et Leo Papa* v 155-313; *In honorem* v 2280-2359; *Walahfrid Strabo, De imagine Tetrici*, v 94-208.

³²⁰ Notker 1-28 - 31 refer to fraud at Aachen, but also Charlemagne's careful supervision of the palace. He also stresses how the court impressed foreign envoys (2-6, 8).

³²¹ See e.g. *Lupus, Epistolae* 45, 58-61 (I: 186-193, 224-235); *Einhard, Epistolae* 10, 13-15, 35 (Epp. 5 p 113-118, 127).

³²² (Airlie 1990, 196-197). See e.g. *Alcuin, Epistola* 245 (Epp. 4 pp. 393-398); *Lupus, Epistola* 36 (I: 158-160); *Einhard, Epistola* 6 (Epp. 5 p 112).

³²³ See e.g. *Theodulf, Carmen* 25 (PCR pp. 160-163), v 205-234 (on Wibod and 'the Irishman').

³²⁴ See e.g. Notker 1-4; *Visio Wettini* v 328-334; *Lupus, Epistola* 16 (I: 96); *Episcoporum ad Hludowicum imperatorem relatio* 829 (Cap. II no 196 p 39) c 12; Cf. *Hincmar, Epistola* 127 (Epp. 8 pp. 66-67) complaining that the men of palace clerics are committing *rapinae*. *Paschasius* harshly criticised palace chaplains (EA 2-5), but celebrated Adalard and Wala's influence at court (EA 2-15, VA 16).

³²⁵ *Alcuin, Epistolae* 241, 244 (Epp. 4 pp. 386-387, 392); VK 19; *Astronomer* 21, 23; VA 33.

³²⁶ Cap. I no 146 p 298.

³²⁷ (Ward 1990). Bishop Liutward of Vercelli faced the same kind of accusations (Regino 887) and there may also have been a political component in criticism of Charlemagne's daughters ((Nelson 1993, 55-60)).

not worry particularly about the sexual threat to William at court.³²⁸ Nor are there complaints about excessive drinking at Carolingian courts.³²⁹

As discussed above,³³⁰ there were rarely moral objections to laymen gaining advancement by marriages into the royal family, provided this was done in legitimate ways. Gaining royal favour in other ways could also be seen as morally neutral or even positive. Agobard claimed that Matfrid's friendship with the emperor was God-given.³³¹ Only in times of atypical disorder were there complaints about laymen scrambling for office.³³²

Yet although lay courtiers as a group were rarely criticised, some influential secular courtiers roused special hostility, seemingly more so than individual court clerics.³³³ Allegations often centred on their 'misusing' of power. Authors complained about power given to the ignoble (and women),³³⁴ and those who lacked public-spiritedness,³³⁵ or who stirred up dissension.³³⁶ Several court favourites were later

³²⁸ (Claussen 1996, 805-807) claims that Dhuoda's reference to Joseph's chastity (LM 3-3) is a veiled dig at her husband's sexual behaviour at court. Yet Joseph was a frequent Biblical model of a courtier for other authors ((Jaeger, 87-95)) and one of Dhuoda's favourite examples of many virtues: filial devotion (3-3), advice-giving (3-5) and faith in affliction (5-7).

³²⁹ (Nelson 2003, 44-45). This contrasts with the courts of both Murman (In honorem v 1460-1461) and Attila (Waltharius v 290-323).

³³⁰ See pp. 121-122.

³³¹ De iniusticiis p 227: 'tanta familiaritas, quam apud domnum imperatorem obtinere uos Deus fecit.' It is taken for granted in Waltharius v 97-115 that Attila's favour (combined with their own talents) helps Hagen, Walter and Hildegund gain key roles at court.

³³² See e.g. Novi regis 4 (where Hincmar bemoans the scramble of the *primores regni* for *honores* after the death of Louis the Pious) and 8 (where he claims that money must now be paid to gain or retain *honores*). He contrasts this with orderly behaviour in other reigns (c 2-3). Cf. EA 2-7, 19.

³³³ Only a few court clerics are singled out for particular criticism, such as Ebbo of Rheims (Thegan 44), Gunther of Cologne (e.g. AB 864) and Bishop Liutward of Vercelli (AF(M) 887). (MacLean 2003, 205-213) also sees a sustained, if implicit attack by Notker on Archbishop Liutbert of Mainz.

³³⁴ Regino 900: Zwentibold was opposed by his magnates, 'quia cum mulieribus et ignobilioribus regni negotia disponens honestiores et nobiliores quosque deiciebat et honoribus et dignitatibus expoliabat.'

³³⁵ Nithard repeatedly complains of this. Nithard 1-3 on Bernard: 'inconsulte re publica abuteretur'; 1-4 on Hugo, Lambert and Matfrid: 'quoniam quisque eorum propria querebat,

found guilty of treason.³³⁷ Agobard felt some courtiers were denying him proper access to Louis the Pious.³³⁸ He also complained about ‘iniqui factiones’ at court,³³⁹ and accused Matfrid of obstructing justice at the palace court.³⁴⁰

Paschasius has an all-encompassing denunciation of Bernard of Septimania, going much further than other authors’ complaints about his ‘thirst for power’, arrogance and treachery.³⁴¹ Paschasius claims Bernard made the court a place of sorcery, soothsaying and debauchery.³⁴² He broke treaties, created disorder and sowed family dissension.³⁴³ He lived by robbery.³⁴⁴ In particular, Paschasius sees Bernard as a moral threat to the whole power system. He planned to secure his power by murdering Louis the Pious, his sons and also magnates and ‘lords of the land’.³⁴⁵ Paschasius repeatedly claims that royal favour and honours were taken from the good and given to the unworthy.³⁴⁶ Support for Bernard was the easiest route to power.³⁴⁷ As a result,

rem publicam penitus neglegebant.’; 4-6 on Adalard: ‘Qui utilitati publice minus prospiciens placere cuique intendit’.

³³⁶ See e.g. Adalbert of Metz (Nithard 2-7, AF 841).

³³⁷ See e.g. Eggideo (ARF 817); Ernest (AF 861).

³³⁸ Agobard, *De baptismo mancipiorum Iudaeorum* p 115: Adalard, Wala and Helisachar had not told him Louis’ response to his complaints. *De ordine* 18 is also concerned about proper access to court for all, wanting court officials to be chosen from across the different regions.

³³⁹ LA 1-1.

³⁴⁰ *De iniusticiis* p 226. Concerns about bribery and the influence of friends and relatives were common in the Carolingian justice system: see section 8 of this chapter.

³⁴¹ AB 844: ‘iam dudum grandia moliens summisque inhians’; Astronomer 44; Nithard 2-5.

³⁴² EA 2-8.

³⁴³ EA 2-7.

³⁴⁴ EA 2-15.

³⁴⁵ EA 2-8: ‘vellet idem tyrannus Augustum perimere clam quolibet pacto, quasi sua infirmitate subito mortuus videretur: deinde filios ejus, una cum optimis regni principibus, quosunque dolo prius praeoccupare potuisset.’; 2-10: ‘Cum qua, si cederetur, imperium pervaderet, et omnes seniores terrae aut interficeret, aut male subjugaret oppressos’.

³⁴⁶ EA 2-7: ‘Honores debitos qui habuerant, amittebant’; EA 2-8: ‘repelluntur summi, dejiciuntur eximii, colliguntur improbi, honorantur vanissimi, et introducuntur scelesti.’; EA 2-9: ‘eo quod sacratissimum Augustum sic haberet suis delusum praestigiis ut omnes repelleret, quos aut ipse, aut magnus pater ejus imperator nutrierat a secreto, a colloquio, a familiaritate et consilio, a fidei fide, ab honoribus, et ab omni consortio prioris vitae.’

everything became corrupted: 'no one might acquire power, honour and possessions without crime or without ruin of others as cost.'³⁴⁸

Such denunciations of individual courtiers, however, should not be seen as displaced concern about the system as a whole. Paschasius sees the state of the court under Bernard as an aberration, unlike both its previous state and its restoration under Wala's influence.³⁴⁹ Hincmar in *De ordine* refers back to his own experiences and to Adalard's in a way that shows he sees the ordered and morally upright court as a previously achieved and recoverable reality.³⁵⁰ Unlike later medieval moralists, Carolingian authors thus did not see the court as intrinsically corrupt.

Counsel giving

Carolingian capitularies increasingly stressed the role of those close to the king in giving him counsel.³⁵¹ Scholars have debated whether advice giving was more a duty than a right for magnates,³⁵² but its symbolic importance is clear.³⁵³ In the ninth century particularly important magnates might be called 'consiliarii'.³⁵⁴ Annals and

³⁴⁷ EA 2-7: 'quia profecto nullus aliam tunc temporis habuit viam expeditiorem ad honores retinendos et acquirendos, seu ad ea quae vellet vel concupierat, quam illa sequi, quae tunc tyrannus Naso mallet.'

³⁴⁸ EA 2-7: 'ne ullus acquireret potentiam, ne ullus honorem, ne ullus facultates, sine scelere, aut sine aliorum damnationis dispendio'.

³⁴⁹ EA 2-8: 'eo quod esset theatrum, honestatis olim, palatium factum'; EA 2-10 claims of Wala: 'A palatio namque sacri imperii pepulit omnes abominationes, moechiam fugavit, sortilegas damnavit personas, honestatem restituit'.

³⁵⁰ De Ordine 12, 37.

³⁵¹ (Devisse 1968).

³⁵² (Althoff 1990a, 147-149).

³⁵³ (Devisse 1968, 191) shows how references to 'aid and counsel' are linked by texts with respect for law. EA 2-7: Bernard 'destruxit consilium, dissipavit omnia rationis jura, consules omnes, divinos, humanosque expulit'. Alcuin, Epistola 249 (Epp. 4 p 403) blames the 'vulgus indoctum, qui semper res inconvenientes sine consilio agere solet' for attacking Theodulf's men in Tours.

³⁵⁴ (Brunner 1979, 23; MacLean 2003, 182-185).

poetry both frequently show the rulers taking counsel about key decisions,³⁵⁵ while courtiers such as Alcuin and Hincmar spent much time giving advice, whether asked to or not.³⁵⁶

Moralists often wanted to limit those who should give counsel. It was problematic for women to give advice, although a few positive examples are visible.³⁵⁷ There was often a preference for older men,³⁵⁸ and for collective rather than individual counsel.³⁵⁹ Only the elite gave counsel to kings,³⁶⁰ with occasional exceptions.³⁶¹ Those chosen had important moral responsibilities. Alcuin wanted Count Roger to give counsel which would benefit his own soul and help Charlemagne and the empire achieve 'salvation and prosperity'.³⁶² Paschasius blamed disasters in the kingdom on Wala's advice being spurned.³⁶³ Mirrors for princes frequently

³⁵⁵ See e.g. ARF 826 (Louis the Pious waits for counsellors before making any decision about problems in Spain); AB 875 (Charles the Bald immediately summons his counsellors when he hears of the death of Louis II); In honorem v 146-211, v 654-699.

³⁵⁶ De Ordine 20 wants the *apocrisarius* to give spiritual advice both to courtiers who ask for it and for those who do not ask, but are felt to 'need' it.

³⁵⁷ Most examples of female counsel-giving are by royal women: both bad e.g. Swanahild (ARF Rev 741), Fastrada (VK 20), Judith (EA 2-10, LA 2-6), Murman's wife (In honorem v 1418-1475), and good e.g. Placilla and Esther (LRC 5), Ospirin (Waltharius v 123-140). Thegan 52: Lothar killed Gerberga 'iudicio coniugum impiorum consiliariorum eius'. Dhuoda, however, sees no problem in advising William, and also (indirectly) his fellows at court (LM 10-6) and Alcuin, Epistola 241 (Epp. 4 p 387) wants Gundrada to be 'in consilio prudens'.

³⁵⁸ See e.g. Pseudo-Cyprian p 51: the good king should have 'senes et sapientes et sobrios consiliarios' (quoted by DIR 3, De regis 2); Alcuin, Epistola 119 to Pippin of Italy (Epp. 4 p 174): 'Utere consilio senum et servitio iuvenum'. De Ordine 32 wants proper training for would-be counsellors. LM 3-5, however, thinks godly young men can also give good advice.

³⁵⁹ (Bühner-Thierry 1987, 119-121). However LE 6 following Ecclesiasticus 6:6 says: 'Amici tibi sunt multi, consiliarius autem unus'.

³⁶⁰ De ordine 29 shows different levels of participation in assemblies. Thegan 44 is scornful of Ebbo as a counsellor because of his low birth.

³⁶¹ See e.g. Visio cuiusdam pauperulae mulieris.

³⁶² Alcuin, Epistola 224 (Epp. 4 p 367): 'quia opto te...salutem operari animae tuae in...consiliis bonis, quae domno imperatori et regno Francorum proficiant ad salutem et prosperitatem.'

³⁶³ EA 2-8: 'Ecclesiarum eversiones, calamitates pauperum, divitum oppressiones, barbarorum incursiones, caedes vulgi, bella superbientium, insidias universorum...simul immaniter deploramus: quia illo spreto, cum non est auditus, haec omnia contigerunt.'

demand that rulers have good counsellors and avoid evil ones.³⁶⁴ Some give details of the requirements for such good counsellors. Sedulius wants:

pious, continent, and religious men who love their prince...who neither cheat nor deceive, and who never beguile, being always truthful, sober, prudent and faithful to their prince in all things³⁶⁵

Other moral texts add that counsellors should offer counsel which benefits all, not private interests;³⁶⁶ they should have a good reputation and show mutual love.³⁶⁷ They should give counsel with 'pure heart and good conscience and unfeigned faith'.³⁶⁸ They should not be slow in giving counsel.³⁶⁹ Narrative sources give hints as to what was seen as either bad or 'prudent' counsel.³⁷⁰

The emphasis in admonitions to rulers on the need for good counsellors might lead one to expect the reciprocal advice to appear prominently in the lay mirrors: how to be a good counsellor. Only Dhuoda, however, instructs William on this: the three other lay mirrors say nothing,³⁷¹ although Alcuin's letters to laymen tell them that

³⁶⁴ (Brunner 1979, 23). Rulers also had to allow counsellors to speak (Novi regis 8: 'multum deperit de utilitate in isto regno, pro eo quia consiliarii quod sciebant bonum et utile, dicere non audebant, nec ut dicerent locum habebant.')

³⁶⁵ LRC 6 : 'sancti, continentes, religiosi, amatores principis sui...qui neque mentiuntur nec fingunt, et numquam decipiunt, sed ueraces, sobrii, prudentes atque in omnibus suo principi fideles'. Cf. De regis 4 (quoting Ambrose, De Officiis 2, 17): 'Talis, inquiens, debet esse qui consilium alteri dat, ut seipsum formam aliis praebeat ad exemplum bonorum operum, in doctrina, in integritate, in gravitate...qui nihil nebulosum habeat, nihil fallax, nihil fabulosum, nihil simulatum, quod vitam eius ac mores refellat, nihil improbum ac malevolum, quod avertat consulentes.'

³⁶⁶ Karoli capitula Italica (Cap. I no 101 p 208) c 2; De ordine 31; VA 38. In the Visio Karoli (SS 10, p 458) Charles the Fat sees magnates in hell who gave bad advice for the sake of greed.

³⁶⁷ Episcoporum ad Hludowicum imperatorem relatio 829 (Cap. II no 196 p 49) c 59.

³⁶⁸ Hludowici et Karoli pactum Tusiace 865 (Cap. II no 244 p 166) c 5 (quoting 1 Timothy 1: 5): 'de corde puro et conscientia bona et fida non ficta.'

³⁶⁹ Capitulare Carisiace 877 (Cap. II no 281 p 360) c 22.

³⁷⁰ (Brunner 1979, 24). AB 862 claims Conrad tried to conceal royal decisions. Regino 885: Charles the Fat's 'prudentissimus' counsellor Henry caught by fraud or assassinated several of the emperor's opponents. In honorem v 196-197, 688-699 shows counsellors giving exactly the (good) advice that Louis the Pious wants.

³⁷¹ LM 3-5 - 3-7: her Biblical examples of wise counsellors include both laymen (Joseph, Daniel, Achior, Hushai, Mordecai) and priests (Samuel, Jethro). LM 3-5, 3-11 and LE 6 all discuss the need for laymen themselves to have good advisors.

they should be ‘providus’³⁷² and ‘suavis’ in counsel giving.³⁷³ Dhuoda develops these points in much more detail: the right advice must be given at the right time.³⁷⁴

William must give faithful, truthful counsel, and give it well.³⁷⁵ She cites Biblical examples showing good counsellors benefit themselves materially and spiritually and bad counsellors dying horribly.

There is thus a surprising discrepancy in moralists’ emphasis on counsel-giving by laymen. This may reflect a lurking clerical bias: when Sedulius, for wanted ‘religious’ counsellors, did he subconsciously feel that a king’s advisors should predominantly be clerics? This possible prejudice should not be exaggerated. *De ordine* specifically sees both clerics and laymen as suitable counsellors.³⁷⁶ Several clerical writers comment favourably on Einhard as a royal counsellor.³⁷⁷ Yet, as discussed above,³⁷⁸ moralists, both clerical and lay, condemned a number of lay courtiers for their bad influence.³⁷⁹ Lay courtiers as a group may have been seen positively by moralists, but tension is more frequently visible about individual lay counsellors than clerical ones.

3.6 LAND AND RELATIONSHIPS

In the eighth and ninth century, land was not simply an economic resource but a key social resource, potentially available to women as well as men.³⁸⁰ The

³⁷² Epistola 33 (Epp. 4 p 75) to Count Magenhar.

³⁷³ Epistola 111 (Epp. 4 p 161) to Megenfrid.

³⁷⁴ LM 3-5.

³⁷⁵ LM 3-5, 3-6. She too stresses the need for counsel ‘dulcior melle’ (3-5), though the good counsellor Hushai was also ‘firmus’ (3-7). There is no secular equivalent however, to EA 2-5 praising Wala as a second Jeremiah.

³⁷⁶ *De ordine* c 31.

³⁷⁷ See e.g. *In honorem* v 682-697; Walahfrid Strabo, Preface to VK; *Visio Caroli Magni*.

³⁷⁸ See pp. 127-129.

³⁷⁹ Even Dhuoda’s examples of bad counsellors in LM 3-7 are laymen (Achitophel and Haman).

³⁸⁰ (Nelson 1995; Hammer 1997, 72).

possession of land was an important symbol of noble power.³⁸¹ Relationships with kin, local monasteries and clients were created and maintained partly via land transactions. Moral norms about claims to land are difficult to assess in detail, since they are rarely stated explicitly, but must be deduced from charters.³⁸² There was a strong sense that gifts or sales of land, whether outright or not, created continuing ties between the two parties.³⁸³ Thus the giving of *precaria* by an abbot to men who did not have previous connections to a monastery could be seen as a socially transgressive act.³⁸⁴ The relationships created were not necessarily static: church property disputes frequently involved renegotiations between ecclesiastical institutions and the families and descendants of donors.³⁸⁵ Churches and monasteries sometimes tried to exert more control over donated land, to the exclusion of the 'rights' of donor families.³⁸⁶ Although clerical scribes show this simply as ensuring church rights, noble landowners may well have seen such behaviour as morally transgressive.³⁸⁷ Rulers were able to confiscate all forms of land,³⁸⁸ although it was expected that such power would be used with care.³⁸⁹

³⁸¹ (Guerevic 1972, 525-529; Le Jan 1995, 108-111).

³⁸² This section gives only an outline of such norms: for more details see e.g. (Brown 1999).

³⁸³ (Innes 2000, 68-70). He argues (p 73) that before the seventh century gifts of lands were not used to define lay relationships (at least with churches) in the same way.

³⁸⁴ (Wood 1995, 47-48). Cf. (Reuter 1995, 181) on eleventh century Saxony: 'in the kind of society we are dealing with here, the anonymity and absence of ongoing relations between the partners implicit in the modern contrast between a sale and a gift is meaningless: you do not sell to your enemies or people whom you do not know any more than you give to them.'

³⁸⁵ See e.g. (Brown 2001).

³⁸⁶ (Brown 2001, 46-50, 75-85).

³⁸⁷ Some nobles seem themselves to have exploited such new norms to protect their land holdings e.g. by donating land to churches that was then received back in benefice. ((Hartung 1988; Brown 2001, 89-82).

³⁸⁸ (Reynolds 1994b, 106). AB 834 reports Louis the Pious's mercy to the rebels who had supported Lothar: 'caeteris uero uitam, membra, hereditatem et multis beneficia perdonauit.'

³⁸⁹ (Nelson 1992, 69): Notker 1-13 praised Charlemagne for restoring confiscated lands to Udalrich. (In fact, it was Arnulf who confiscated land from Count Udalrich of the Linzgau, but later restored them: see (Goetz 1981a, 146-148, 163)). Tessier 323bis: Charles the Bald in his *clementia* restores lands to his sister Gisela, which he had removed because of the *negligentia* of Gisela's dead husband Eberhard.

Changes in land-holding

From the late Merovingian period onwards, three developments in land exploitation had substantial social effects: changing land distributions, the move towards manorialisation and the increasing granting of land in benefice. Individual lay and clerical nobles, as well as churches, bought up land in selected areas, as part of a 'drift towards large and ecclesiastical landownership in the early ninth century.'³⁹⁰ This large-scale acquisition of land raised moral concerns.³⁹¹ Hincmar of Rheims states:

There are some rich men, who could have had sufficient from their own things, if they had wished to place a bound on cupidity, to whom it is said: "Woe to you who join house to house and field to field as far as the end place, will you not live alone in the middle of the land?" As if it should be said openly, How far do you extend yourselves, who can hardly bear to have partners in the world you share? Indeed you oppress those you have already joined, but you always find those against whom you might be able to extend yourself.³⁹²

The same verse from Isaiah appears in the *Vita Geraldi*, where Odo claims that Gerald almost never bought land.³⁹³ Many capitularies in the late eighth and early ninth centuries, which express alarm about the oppression of the *pauperes* by the *potentes*, seem to concern freemen holding small allods, whom more powerful men

³⁹⁰ (Wickham 1981, 104).

³⁹¹ This contrasts with classical Roman ideas that buying land was the only suitable use for surplus money ((Vivenza 1998, 276-279, 300-301)).

³⁹² De cavendis 1-2 (p 135, following Regula pastoralis 3-20): 'Et sunt mundi divites, qui sufficienter de suis habere possent, si modum cupiditati imponere voluissent, quibus dicitur: Vae qui conjungitis domum ad domum, et agrum agro copulatis usque ad terminum loci! Numquid habitabitis soli vos in medio terre? [Isaiah 5: 8] Ac si aperte diceret: Quousque vos extenditis, qui habere in communi mundo consortes minime potestis? Coniunctos quidem premitis, sed contra quos vos valeatis extendere, semper invenitis.' Cf. (Newhauser 1989, 21-22).

³⁹³ VG 1-28: 'neque ipse praedium aliquando comparavit, praeter unum agellum, qui suae cuidam possessioni forte insitus erat: cum soleant divites quique in hoc vehementer inardescere, terribilem prophetae comminationem obliti, qua dicit: Vae qui conjungitis domum ad domum, et agrum agro copulatis.' Nevertheless, he took careful stewardship of the large amount of land he held: 'sic et rerum dispositor Dominus, ea quae juris illius erant, ab impiis et pervasoribus tuta servabat.'

were trying to subject to themselves.³⁹⁴ This was seen explicitly as a problem for public order, because of the loss of royal service,³⁹⁵ and the risk that disinherited heirs might become beggars or malefactors.³⁹⁶ From the mid-ninth century church councils excommunicated those who ‘oppressed paupers’.³⁹⁷ Like those who expropriated church property, they could be described as murdering the poor.³⁹⁸ Matthew Innes sees this ‘moral panic’ about encroachment on peasant landholding also as a displaced concern about the changing patterns of local power and increased social differentiation.³⁹⁹

Bipartite estates developed from the seventh century, in which dependants owed labour services on demesne land, as well as working their own plots. These tied tenants could be free or unfree, though their economic ties led to them consistently being called *servi* in charters. Lay estates, however, appear often to have preserved an older structure, being cultivated directly by unfree dependants, normally called *mancipia*.⁴⁰⁰ Benefices also became more common. As well as the existing use of *precaria* by ecclesiastical landholders, Carolingian kings made increasing use of grants in benefice of both royal and ecclesiastical land.⁴⁰¹ Laymen also sometimes

³⁹⁴ (Bosl 1964; Wickham 1995, 534-535). Hincmar was still complaining about such practices in 881 ((Devisse 1966, 279)).

³⁹⁵ Capitulare Olonnense mundanum 825 (Cap. I no 165 p 330) c 2 complains about men (not motivated by poverty), who give land to churches and get it back as a *precarium* to avoid public duties.

³⁹⁶ Capitulare missorum in Theodonis villa datum secundum, generale 806 (Cap. I no 44 p 125) c 16; Capitula de causis cum episcopis et abbatibus tractandis 811 (Cap. I no 72 p 163) c 5.

³⁹⁷ (Le Jan-Hennebicque 1968, 185).

³⁹⁸ See e.g. Karolomanni capitulare Vernense 884 (Cap. II no 287 p 372): ‘quot pauperes quis exspoliatur et fame ac nuditate periclitari facit, tot homicidia perpetratur.’

³⁹⁹ (Innes 2000, 47-48). (On moral panics, see Chapter 1, pp. 21-22). The sources focus on oppression by individual (lay)men, although the church may also have used coercion ((Wickham 1981, 109)).

⁴⁰⁰ (Innes 2000, 77-79). He estimates (p 80) that less than 1% of the gifts to Lorsch by laymen were of manors. (Rösener 1989, 176-179) sees some manorialisation of lay estates in Alemannia, but later than for royal and clerical estates.

⁴⁰¹ (Reynolds 1994b, 89-97) discusses these developments, but notes the wide range of types of grant covered by the term *beneficium*.

granted benefices in the eighth and ninth century, although these were seemingly rare and given to existing clients, not those becoming a lord's follower.⁴⁰²

The morality of tenure

These developments in land tenure brought inherent moral complications, since customary law meant that lengthy possession of land (even without ownership) tended to bring some moral claim upon it, such as the possibility of a tenure being heritable.⁴⁰³ It was clearly a struggle in some cases to keep *precaria* granted *verbo regis* as church property.⁴⁰⁴

The power relations between landowners and those holding land from them varied greatly: on the same estate, tenants of one type might have fixed labour services, while another group had to do 'as much as they are ordered'.⁴⁰⁵ Exaction from peasant landholders was not limited solely to local powers: customary 'gifts' for the emperor seem to have been expected from peasants on some estates and free tenants might also have to perform royal *corvées*.⁴⁰⁶ While some tenants (particularly the free, but also some unfree) had services and renders which were fixed either by custom or in writing,⁴⁰⁷ landlords might still try to reduce their rights or to increase rents or services.⁴⁰⁸ The examples known are mainly from royal and ecclesiastical

⁴⁰² (Innes 2000, 87-88). Outright gifts by lords of land to their men were still more common than the giving of benefices (pp. 91-92); gifts of moveables were also probably very common, but are rarely visible in the sources. In the Merovingian period there is very little evidence of laymen granting benefices to anyone above peasant status ((Reynolds 1994b, 83-84)),

⁴⁰³ (Reynolds 1994b, 79; Innes 2000, 73).

⁴⁰⁴ (Reynolds 1994b, 90) commenting on the attempts of Capitulare Haristallense 779 (Cap. I no 20 p 50) c 13 to control these: 'The system...needed a great deal of record-keeping, a great deal of honesty, sympathetic appreciation of the situation and motives that had provoked it, and willingness on the part of everyone to keep it going after the situation had changed.'

⁴⁰⁵ (Wickham 1981, 104)

⁴⁰⁶ Einhard, Epistola 26 (Epp. 5 p 123); (Innes 2000, 159-160).

⁴⁰⁷ (Wickham 1995, 530-531; Devroey 2000, 23).

⁴⁰⁸ (Goetz 1984) shows the weaknesses in the argument of (Vollrath 1982) that custom completely restrained landowners' control. Capitulare de villis (Cap. I no 32 p 83) c 7 and Edictum Pistense 864 (Cap. II no 273 p 323) c 29 explicitly state that duties on royal estates can be increased or changed.

estates;⁴⁰⁹ lay landlords, whose property tended to be more fragmented, probably had far less control over distant tenants.⁴¹⁰ Some other controls over peasants, such as attempts to tie them to the land, are also visible.⁴¹¹ Landowners, however, did not have juridical rights over free tenants or those outside their own holdings in the period; 'territorial lordships' only came later.⁴¹²

Moral texts rarely comment on the treatment of peasant tenants, although the Council of Chalon 813 was explicit:

Since there are many conditions of people in the church, nobles and ignoble, *servi, coloni*, tenants and other names of this kind, it is suitable that whoever are placed over them, clerics or laymen, act gently towards them and treat them very mercifully, whether in demanding labour from them or accepting taxes and certain dues, knowing they are brothers... Therefore they should use very merciful discipline and suitable management towards them, discipline, lest living undisciplined, they should offend their Maker, management, lest destitute in supporting those placed over them, they should become exhausted in the foods of everyday life.⁴¹³

The Council of Tours from the same year also objected to abuses by the powerful that may have affected tenants.⁴¹⁴ Otherwise, moralists seem largely

⁴⁰⁹ (Innes 2000, 74-75). (Wickham 1981, 109-111) discusses a variety of Italian cases where both free proprietors (who also held tenancies) and free tenants tried to resist impositions by their landlords (mainly monasteries, but in one case the count of Milan). Unlike in other regions, they were occasionally successful.

⁴¹⁰ (Wickham 1981, 105-107).

⁴¹¹ Although (Bloch 1975, 134-135) argues that peasants were not tied, since there was swapping of servile and free manses, several capitularies refer to attempts to tie *coloni* as well as *servi* to the land. Edictum Pistense 864 (Cap. II no 273 pp. 323-324) c 31 imposes strong measures on those who have fled the land because of Viking raids. VG 1-24: Gerald of Aurillac's sanctity is shown by his not preventing *coloni* from leaving his estates.

⁴¹² (Innes 2000, 49)

⁴¹³ Conc. 2 no 37 pp. 283-284 c 51: 'Quia ergo constat in ecclesia diversarum conditionum homines esse, ut sint nobiles et ignobiles, *servi, coloni, inquilini* et caetera huiusmodi nomina, oportet, ut quicumque eis praelati sunt, clerici sive laici, clementer erga eos agant et misericorditer eos tractent, sive in exigendis ab eis operibus sive in accipiendis tributis et quibusdam debitis, sciantque eos fratres suos esse... Disciplina igitur eis misericordissima et gubernatio oportuna adhibenda est, disciplina, ne indisciplinate vivendo auctorem suum offendant, gubernatio, ne in cotidianis vitae comeatibus praelatorum adminiculo destituti fatescant.'

⁴¹⁴ Conc. 2 no 38 p 293 c 49 wants *domini* to treat *subditi* 'pie et misericorditer': they are not to be condemned unjustly, oppressed by force, have their *substantiolae* unjustly removed, 'nec ipsa debita, quae a subditis reddenda sunt, impie ac crudeliter exigantur.'

unconcerned. Although Dhuoda reminds William that it is God, not humans who ultimately ‘owns’ land,⁴¹⁵ she does not say what this noble stewardship of land might mean in practice. Occasionally decrees fixing customary services say that these are intended to protect subordinates from excessive demands (as well as benefit lords).⁴¹⁶ Unlike Gregory the Great, who was concerned to correct abuses of *rustici* on the papal estates in Sicily by his representatives, Carolingian landowners generally seem more concerned about slack than over-zealous estate management.⁴¹⁷

In contrast, there are a number of explicit and implicit norms visible about benefices granted to men of higher status (although again, we know far more about royal and ecclesiastical benefices than those granted by laymen). Some men received benefices on entering lordship, others were still seeking these afterwards.⁴¹⁸ Military service was often, but not invariably expected of benefice holders.⁴¹⁹ The capitularies in particular, state moral norms. There are explicit references to the possibility of royal and other benefices being confiscated for neglect of duties.⁴²⁰ Free men, however, seem to have had moral, if not legal, rights to hold onto benefices, unless there was ‘good cause’ to remove them.⁴²¹ (Despite this, some benefice holders

⁴¹⁵ LM 1-5: ‘Contendit alius et dicit: “Mea est terra” et non considerat Psalmographi dictum: Domini est terra.’

⁴¹⁶ Capitulum in pago Cenomannico datum (Cap. I no 31 p 81): ‘Idcirco haec statuimus, ut nec familia se a praedictis operibus subtrahere posset, neque a senioribus amplius eis exquireretur.’

⁴¹⁷ (Wickham 1981, 99-100). Einhard, Epistola 9 (Epp. 5 p 113) berates his deputy at Frizlar for his inadequate management. Capitulare de villis (Cap. I no 32, pp. 83-91) tells stewards to look after the *familia* well (c 2) and arranges to hear their complaints (c 57), but is insistent on the full use of their labour and punishment for any negligence or dishonesty by them (c 3, 29, 54).

⁴¹⁸ (Innes 2000, 88-89).

⁴¹⁹ (Reynolds 1994b, 100-101).

⁴²⁰ (Ganshof 1964, 43).

⁴²¹ (Reynolds 1994b, 103). See e.g. Capitula Papiae optimatibus ab imperatore pronuntia 865 (Cap. II no 216 p 92) c 4: ‘neque privari absque legali sanctione aliquem nostrorum fidelium volumus beneficio’; VG 1-17: Gerald, when deciding cases, did not allow *seniores* to deprive *vassi* of benefices through anger; (McKeon 1978, 22-25) on complaints about Hincmar of Laon removing benefices.

clearly worried about their loss in troubled times).⁴²² Royal benefice holders also had specific responsibilities concerning the lands they held. They were not to neglect them, exploit them for the benefit of their own property, convert them to allods or let the *familia* starve in times of famine.⁴²³ Relationships based on land at this social level thus had more moral reciprocity than those between landlords and tenants.

3.7 OFFICE-HOLDING

A variety of secular office-holders are visible in Carolingian sources: one capitulary alone refers to *missi*, *comites*, *advocati*, *vicedomini*, *vicarii*, *centenarii* and *scabini*.⁴²⁴ This section will concentrate on the role of the count, the most important and frequently mentioned secular official,⁴²⁵ whose tasks included local civil and military administration, the maintenance of public order and judicial functions. It focuses on two important moral issues: the gaining and losing of comital office and the moral qualities required when in position.

The origins and development of the comital system have been greatly debated. Werner in particular argues for continuity with late antiquity.⁴²⁶ The terminology for the office is certainly Roman; the analogous Germanic office of the *grafio* did not survive.⁴²⁷ Yet so many late antique office titles had gone out of standard use by the Carolingian period that it is problematic to see eighth and ninth century administration as simply a continuation of Roman practices. In contrast, some German scholars from the late 1930s onwards distinguished a variety of different types of counts, with the ‘*Amtsgrafschaft*’ of the former Roman empire co-existing with the

⁴²² (Innes 2000, 88-89). This could be a particular problem for those who had made personal homage to kings: see Einhard, *Epistolae* 25, 34 (Epp. 5 pp. 122, 126-127). Regino 903: Archbishop Folco of Rheims was murdered in a dispute over a *beneficium*.

⁴²³ (Ganshof 1939, 161).

⁴²⁴ *Legationis capitulum* 826 (Cap. I no 152 p 310).

⁴²⁵ *Concilium Cabillonense* 813 (Conc. 2 no 37 p 277) c 20 refers to the particular need for ‘*pax et concordia*’ between bishops and counts ‘*qui post imperialis apicis dignitatem populum Dei regunt.*’ Cf. *Ad episcopos* 14. (Werner 1980, 221): ‘intermediaries’ between the ruler and local administration, such as *missi*, *duces*, *marchiones* were normally also counts.

⁴²⁶ (Werner 1998, 303-308).

⁴²⁷ (Murray 1986, 804-805).

‘Königsbanngrafschaft’ (where a count’s authority was simply over fiscal lands and peasants) and the ‘allodialen Grafschaft’ (where a local lord exercised comital rights without royal appointment). These alternative forms of counts necessarily did not control continuous areas, but exercised power over ‘Streugrafschaften.’⁴²⁸ Counts without explicitly territorial areas of office probably did exist in the Merovingian and early Carolingian periods,⁴²⁹ but there is very little evidence for autonomous comital rights from Charlemagne’s reign onwards.⁴³⁰ Whatever the earlier position, there are signs of a more formalised system developing under the Carolingians.⁴³¹ Matthew Innes comments:

the Carolingian programme mobilised local traditions of public action, and placed them in a direct relationship with the centre. Central to the structured chain of command thus created was the role of the count. Counts were directly responsible to the king as local rulers, charged with carrying out a moral programme recorded in the capitularies and kept in contact with the king’s wishes through written documents....whereas previously their power had rested on an inherited place in a social pyramid, now it was defined in terms of a political hierarchy.⁴³²

Gaining and losing office

Some implicit norms for gaining secular office are clear. Most basically, all secular office-holding (with the exception of queenship) was a male activity.⁴³³ Secondly, lay offices were seemingly reserved for laymen. Although *missi* could be either laymen or high-ranking clerics and laymen held abbacies from the early ninth century,⁴³⁴ the giving of comital rights to bishops only became common in the late

⁴²⁸ (Schulze 1990, 30-31).

⁴²⁹ (Nonn 1983, 252-257; Innes 2000, 121-126).

⁴³⁰ The attempts by (Borgolte 1984, 165-167) to show the Alaholfings as having such rights are unconvincing, as (Schulze 1985, 278-280) shows. He also (pp. 267-276) demonstrates the problems with Borgolte’s methodology in assessing the spatial areas of comital power.

⁴³¹ (Schulze 1973, 347).

⁴³² (Innes 2000, 188-189). This was accompanied by a more consistent use of the term ‘count’ and by the establishment of the system of *missi dominici* (again taken from the local elite, (p 193).

⁴³³ (Le Jan 1995, 358-365): the first references to the wives of counts as *comitissae* appear only at the very end of the ninth century.

⁴³⁴ (Felten 1974).

ninth century.⁴³⁵ Thirdly, it was seen as unsuitable that Jews should hold public office, and have Christians subject to them.⁴³⁶ Finally, high social status seems to have been essential for laymen obtaining high offices. Men of lower birth could hold some lesser lay offices,⁴³⁷ but although there are a few examples of high clerical offices being held by men from humble backgrounds,⁴³⁸ there are no prominent secular men (whether holding office or not) who are known to have been of low birth.⁴³⁹ Many holders of lay office are known to have been descendants of earlier ones and individual office holders are often described as *nobilis*. Countships were not, however, limited to Franks; studies have shown the integration of families from varied ethnic backgrounds into Carolingian administrative structures.⁴⁴⁰

Counts were not equal, despite their common title; one capitulary divides them into 'fortiores', 'mediocres' and 'minores',⁴⁴¹ and the areas they controlled varied greatly.⁴⁴² Rulers' room for manoeuvre in granting offices has often been debated, especially for the most important counties.⁴⁴³ The suggestion occasionally made that nobles had some kind of right to office is unsustainable.⁴⁴⁴ There are references in the sources to bishops, counts and 'other nobles' and even brothers could have different

⁴³⁵ (MacLean 2003, 113-114).

⁴³⁶ Council of Meaux-Paris 845-846 (Conc. 3 no 11 c 73) p 122; Cf. (Ullmann 1971, 23-24).

⁴³⁷ See e.g. Coslus, the *custos equorum* (Astronomer 30, In honorem v 1688-1689). Cf. (Airlie 1990).

⁴³⁸ Ebbo, the Archbishop of Rheims was the most notorious example, while Walahfrid Strabo also seems to have been of relatively humble birth (Poet. II p 259).

⁴³⁹ (Fouracre 1984). Einhard appears to have been only of middling status, though he was probably noble ((Smith 2003a, 61).)

⁴⁴⁰ See e.g. (Werner 1980, 206-207).

⁴⁴¹ Capitulare episcoporum (Cap. I no 21 p 52).

⁴⁴² (Werner 1980, 221-222).

⁴⁴³ (Werner 1980, 222-223; Airlie 1995, 443-445). (Innes 2000, 190-192) argues that Carolingian rulers were able to use the more formalised framework of office they had created in order to increase their control over localities.

⁴⁴⁴ (Le Jan 1995, 249-262) suggests this, but in (Le Jan 2000a, 55) she says only that 'all the sons of nobles could aspire to the exercise of high office'.

success in their careers.⁴⁴⁵ Despite Bernard of Septimania's high office, Dhuoda gives no hint to William that he automatically has a right to office or even to counsel giving; instead she stresses his need to impress the king.⁴⁴⁶ Similarly, a charter by Count Orendil hopes 'aliquis de filiis meis dignus fuerit, ut ad ministerium comitis pervenerit.'⁴⁴⁷

Kings did not, however, have complete freedom: it was rare, for example, to appoint outsiders to positions within a locality.⁴⁴⁸ Prominent men who changed sides in royal conflicts expected to be rewarded.⁴⁴⁹ Some secular and ecclesiastical offices were effectively monopolised by one family for considerable periods of time, although this did not necessarily involve direct succession in the paternal line.⁴⁵⁰ Kings, however, could still manipulate families: Charlemagne sometimes transferred endowments intended 'in ministerium ad opus regis' between kinsmen. Sometimes sons had to wait considerable lengths of time and rely on royal favour to succeed to countships.⁴⁵¹ In 868, Charles the Bald removed *honores* previously granted to the sons of several former counts.⁴⁵²

The right to dismiss officials, especially counts, for negligence or wrongdoing was an important part of the rhetoric of capitularies.⁴⁵³ A number of counts were

⁴⁴⁵ (Goetz 1983, 175; Airlie 1995, 446-447).

⁴⁴⁶ LM 3-5: 'Si ad perfectum te aliquando adduxerit Deus, ut ad consilium inter magnatos merearis esse vocatus'; LM 3-8, 'si ad hoc perveneris, ut cum commilitonibus infra aulam regalem atque imperialem, vel ubique utilis merearis esse servitor'.

⁴⁴⁷ Traditionen des Hochstifts Freising no. 313.

⁴⁴⁸ (Innes 2000, 188-189).

⁴⁴⁹ AB 861: Adalard, Uto and Berengar 'honoribus consolantur' by Charles the Bald; AB 871: Carloman offers to satisfy his father without receiving any *honores*.

⁴⁵⁰ (Le Jan 1995, 249-257). Even in the late Carolingian period, not all counties were hereditary: see (Bouchard 2001, chapter 8) on the counts of Autun.

⁴⁵¹ See (Innes 2000, 189-192) on the family of Count Warin.

⁴⁵² AB 868: the sons of Robert the Strong and Ranulf all lost *honores*.

⁴⁵³ See e.g. Capitulatio de partibus Saxoniae (Cap. I no 26 p 70) c 24, 28; Capitulare missorum Aquisgranense alterum 809 (Cap. I no 63 p 152) c 7; Hludowici II capitulare Papiense 850 (Cap. II no 213 p 86 c 1); Widonis imperatoris capitulare Papiense legibus addendum 891 (Cap. II no 224 p 108) c 3.

actually dismissed,⁴⁵⁴ although it is noticeable that the sources almost always ascribe such dismissals to rebellion or other ‘treasonable’ behaviour, rather than simply misdemeanours or incompetence in comital duties.⁴⁵⁵

Yet alongside this ‘public’ morality of dismissal, kings were also expected to respond to noble aspirations.⁴⁵⁶ Regino praises Louis the German for his moderation in giving and removing public offices.⁴⁵⁷ The Capitulary of Quierzy in 877 shows a similar delicate balancing act. It does not specifically enforce a hereditary principle,⁴⁵⁸ but is concerned for the secure transmission of *honores* of both counts and *vassi*, and involves the relatives of the dead man in the immediate administration of the area. Nevertheless, the temporary holders must not be angered if the king decides they will not receive the county permanently.⁴⁵⁹ When Hincmar advised Carloman to restore palace institutions, he added that although the officials he once knew were dead, they had left sons ‘de illorum nobilitate’. If their ‘mores et virtus’ were good, these deserved to fill their fathers’ places.⁴⁶⁰

Removal from office was even more morally contentious. Zotz points out the charged terms used for such behaviour (*privare, expulsare*), with their undertones of attack on a man’s honour.⁴⁶¹ Kings were keen to maintain their freedom to remove or

⁴⁵⁴ (Krah 1987, 379-392) lists the known cases.

⁴⁵⁵ The one exception is for alleged military incompetence: see e.g. Chorso (Astronomer 5), Hugo, Matfrid and Baldrich (ARF 828). Possible corruption by Matfrid was investigated only after he had lost his *honores* ((Airlie 1985, 77-78)).

⁴⁵⁶ Problems could arise if such expectations were not fulfilled, see e.g. AF(B) 884 on the havoc caused by the relatives of William and Engelschalk. AB 877, 878: Louis the Stammerer, faced a rebellion by magnates in 877 when he distributed offices without their consent, and later had to agree to confirm the sons of Gauzfrid in usurped *honores*. He was therefore careful to distribute the *honores* of Bernard, *marchio* of Gothia only with his counsellors’ consent.

⁴⁵⁷ Regino 876.

⁴⁵⁸ (Nelson 1992, 248-249; Le Jan 1995, 253).

⁴⁵⁹ Cap. II no 281 p 358 c 9: ‘nullus irascatur, si eundem comitatum alteri, cui nobis placuerit, dederimus quam illi, qui hactenus praevidit.’

⁴⁶⁰ De ordine 37. Capitulare Carisiacense 877 (Cap. II no 281 p 358) c 10 is similarly happy for the *honores* of a *fidelis* who retires into a monastery to pass to a son or relative ‘qui rei publicae prodesse valeat.’ Cf. Notker 1-3 and 2-3 on Charlemagne’s punishment of the sons of nobles who do not live up to their birth.

⁴⁶¹ (Zotz 1993, 20).

reinstate men in office,⁴⁶² but also promised not to do so arbitrarily.⁴⁶³ Rulers, however, did not necessarily hold to these promises.⁴⁶⁴ There was increasing discontent over the loss of local offices from the mid-ninth century: Innes sees this as reflecting a situation in which kings were now closer to the exercise of regional power and using strict definitions of offices to control this.⁴⁶⁵ Occasionally the sources say or imply that men have lost their offices unjustly.⁴⁶⁶ These rights of dismissal were rarely contested directly by nobles, although discontent was often shown by support for rebellious Carolingians.⁴⁶⁷ Moralists are clearly hostile to the few violent attempts to regain lost offices, although the blame for such disorder is often seen as shared.⁴⁶⁸

Behaviour in office

Discussions of comital ideology have tended to focus on the development of the idea of the *ministerium* of office-holders. Although this term had several meanings,⁴⁶⁹ the *ordinatio* of Louis the Pious from 823x825 sees his *fideles* (including counts) specifically as sharing and helping in the royal *ministerium* of defending, exalting and honouring the church and maintaining justice and peace.⁴⁷⁰

The meaning of this *ministerium* has been much debated. While most of the provisions in Louis' capitulary are addressed to the elite, some seem to apply to all his

⁴⁶² Hludowici, Karoli et Hlotharii II conventus apud Confluentes 860 (Cap. II no 242 p 158): Charles the Bald promised to restore allods of his reconciled opponents, but would only consider restoring royal grants and *honores*.

⁴⁶³ AB 851 (Conventus of Meersen c 6).

⁴⁶⁴ See e.g. (Krah 1987, 139-140) on Count Suppo.

⁴⁶⁵ (Innes 2000, 221-222).

⁴⁶⁶ See e.g. AB 867 (Gerald), AB 875 (Engelram), Regino 898 (Reginar).

⁴⁶⁷ (Airlie 1998b).

⁴⁶⁸ See e.g. AB 868, AF(B) 884, Abbo II 537-566.

⁴⁶⁹ (Zotz 1988, 11): (used to indicate material resources for service). (Devisse 1968, 187-188): Hincmar's use of *ministerium* always indicates a form of subordination. The title of DIL 2-16 is 'Ut conjugati in domibus suis pastorale se noverint exercere debere ministerium'.

⁴⁷⁰ Admonitio ad omnes regni ordines (Cap. I, no 150, p 303) c 2, 3; (Guillot 1990, 464-466).

fideles;⁴⁷¹ the *ministerium* may not solely be of office-holders. There has been much argument about the extent to which being a ‘minister’ involved a personal relationship to the ruler, rather than one to the ‘state’ as a whole.⁴⁷² It is therefore useful to examine the other moral demands made on counts. In the *ordinatio*, Louis specifically discusses these. Counts are to show honour and reverence to bishops, to live in harmony with them and help them. They are to maintain peace and justice and ensure that decrees of royal (public) authority are carried out. They are to be true helpers of the emperor and protectors of the people. In judging cases they are not to be swayed by bribery, love, hatred, fear or favour; they are to help and defend widows, orphans, the poor and the church as much as possible. They are to correct those involved in theft and *latrocinium*.⁴⁷³

Such a programme is not new, but summarises a tradition of consistent, (if not monotonous) admonitions to counts in Carolingian capitularies over more than a century.⁴⁷⁴ Little more is ever added to these injunctions. Negatively, counts must not neglect their duties or oppress the poor.⁴⁷⁵ They must know the law,⁴⁷⁶ and have good subordinates, who are similarly concerned for justice.⁴⁷⁷

⁴⁷¹ (Guillot 1990, 479-480) on c. 11.

⁴⁷² (Fried 1982, 11-12; Zotz 1993, 13-16).

⁴⁷³ Admonitio ad omnes regni ordines (Cap. I, no 150 p 304) c 7-8. Quierzy letter c 12 covers much the same ground, but adds more details of possible abuses, and also the need for counts to hate ‘avaritia’ and ‘superbia’ and to try and reconcile litigants rather than gain money from their cases.

⁴⁷⁴ See e.g. harmony between counts and bishops (Admonitio generalis 789, Cap. I no 22 p 58 c 62; Capitula Pistensia, Cap. II no 275 p 336 c 12). Just judging (Pippini regis capitulare, Cap. I no 12 p 37 c 25; Capitula Pistensia, Cap. II no 275 p 336 c 11). Protection of widows and orphans (Programmatic capitulary 802, Cap. I no 33 p 94 c 14; Capitula Papiæ optimatibus ab imperatore pronuntia 865, Cap. II no 216 p 92 c 3). *Latrones* (Capitulare Mantuanum, Cap. I, no 90 p 191 c 10; Capitulare Carisiacense, Cap. II no 278 p 343 c 1).

⁴⁷⁵ See e.g. Capitulatio de partibus Saxoniae (Cap. I no 26 p 70) c 24; Pippini capitulare (Cap. I no 95 p 201) c 5, 11; Hludowici II commonitorium episcopis Papiæ traditum (Cap. II no 209 p 80).

⁴⁷⁶ Capitula omnibus cognita facienda (Cap. I no 57 p 144) c 4.

⁴⁷⁷ Programmatic capitulary 802 (Cap. I no 33 p 96) c 25; Capitula a missis dominicis ad comites directa (Cap. I no 85 p 184) c 1, 2. This admonition is repeated in other texts: DVV 20 refers to the need for judges to prevent the rapacity of their ‘ministri’. Alcuin, Epistola 33 (Epp. 4 p 75) wants Count Magenhar to ensure his ‘subiecti’ are ‘iusti...in iudiciis,

What is noticeable about these repeated admonitions is their essentially public nature.⁴⁷⁸ Even the need for counts to live in harmony with others is largely restricted to other officials, rather than a call for their general peacefulness. This contrasts sharply with the moral expectations of two other important offices: bishops and kings. From the New Testament onwards, bishops had to show exemplary personal, as well as official behaviour.⁴⁷⁹ Similarly, moral demands of rulers extended to their *persona* as well as their office.⁴⁸⁰ The capitularies, however, show a lack of concern both about the count's body (in terms of sexual behaviour or drunkenness), and about his control of his own household,⁴⁸¹ (beyond preventing his retinue imposing on others in the course of his public duties).⁴⁸² When Louis the Pious demanded reports on each other by counts and bishops, he asked for information on the way of life and preaching of bishops, but only whether counts were doing justice.⁴⁸³ Although recent scholarship has stressed the personal nature of comital power 'exercised through groups of people, overlapping collectivities',⁴⁸⁴ the ideology was of the count as an impersonal officer of the *regnum*. The Capitulary of Herstal 779 specifically said that counts could punish *latrones* without sin, provided this was done for the sake of justice alone. If however a count maimed a man through hatred, he was to lose his

misericordes in miseros, Deum timentes'. Quierzy letter c 12 wants such men, like their 'seniors', to be 'benignos et affabiles pagensibus suis'.

⁴⁷⁸ Admonitio ad omnes regni ordines (Cap. I, no 150, p 304) c 8 does refer to the fidelity promised personally to the king by counts, but only to reinforce the need for them to fulfil the 'pars ministerii' that was committed to them.

⁴⁷⁹ 1 Timothy 3: 1-7.

⁴⁸⁰ (Fried 1982, 27-).

⁴⁸¹ The only exception I know is Capitulare de disciplina palatii Aquisgranensis (Cap. I no 146 p 298) c 2, where the houses of counts, along with those of other groups, are searched for unsuitable people.

⁴⁸² See e.g. Capitula de rebus exercitalibus in placito tractanda 811 (Cap. I no 73 p 165) c 4; Pippini capitulare Papiense 787 (Cap. I no 94 pp. 198-199) c 4; Hlotharii et Karoli conventus apud Valentianas 853 (Cap. II no 206 pp. 75-76) Adnuntiatio Karoli c 5.

⁴⁸³ Admonitio ad omnes regni ordines (Cap. I, no 150, p 305) c 14: 'qualiter scilicet comites iustitiam diligant et faciant, et quam religiose episcopi conversentur, et praedicent'.

⁴⁸⁴ (Innes 2000, 124).

honor.⁴⁸⁵ Hincmar saw the power of ‘duces et comites’ as wrongful precisely when they regarded the people they ruled as ‘theirs’.⁴⁸⁶

The capitularies also show the moral ambiguity of office-holding. Counts and other lay and clerical office-holders were both the chosen means to regulate and correct the population and the biggest obstacle to this.⁴⁸⁷ The capitularies repeatedly condemned office holders at all levels who neglected their duties,⁴⁸⁸ or abused their powers.⁴⁸⁹ Some detail specific abuses. Counts were accused of summoning men too frequently to the army or *placita*.⁴⁹⁰ The Council of Paris in 829 reported that bishops, counts and other officials were imposing excessively low price limits on the produce sold to them by the poor.⁴⁹¹ Counts and other officials had to be forbidden to carry out transactions secretly with *pauperes*, for fear they might exploit these opportunities.⁴⁹²

⁴⁸⁵ Cap. I no 20 p 49 c 11: ‘De vindicta et iudicio in latronibus factum testimonium episcoporum absque peccato comitis esse dicunt, ita tamen ut absque invidia aut occasione mala, et nihil aliud ibi interponantur nisi vera iustitia ad perficiendum. Et si per odium aut malo ingenio, nisi per iustitiam faciendam, hominem diffecerit, honorem suum perdat’.

⁴⁸⁶ Ad episcopos 14: ‘neque ut populum Dei suum aestiment, aut ad suam gloriam sibi illum subjici, quod pertinet ad tyrannidem et iniquam potestatem.’ By contrast, for a king or bishop to regard the people as ‘his’ is commonplace.

⁴⁸⁷ Concilium Arelatense 813 (Conc. 2 no 34 p 253) c 23: ‘Ne comites vel vicarii seu iudices vel centenarii sub mala occasione vel ingenio res pauperum emant nec per vim tollant aut quolibet argumento subripiant; sed si cui aliquid possessionum emendum aut vendendum est, id in publico coram comite et iudicibus et nobilibus civitatis facere debet.’

⁴⁸⁸ See e.g. Capitulatio de partibus Saxoniae (Cap. I no 26 p 70) c 24; Admonitio ad omnes regni ordines (Cap. I no 150 pp. 303-304) c 4; Commemoratio missis data 825 (Cap. I no 151 p 308-309) c 2; Hludowici II capitulare Papiense 850 (Cap. II no 213 p 86) c 1.

⁴⁸⁹ The offices referred to included bishops, abbots and abbesses, advocates, counts, *centenarii*, *vicarii*, *actores dominici*, royal *missi* and *iudices*: see e.g. Programmatic capitulary 802 (Cap. I no 33 p 96) c 29; Capitula de rebus exercitalibus in placito tractanda 811 (Cap. I no 73 p 165) c 2-4; Capitulare missorum 819 (Cap. I no 141 p 289) c 1. Cf. Ad episcopos 14-15. (Hannig 1982, 268) sees such failures as due to the ‘archaisch-kriegerischen “Räubermentalität”’ of secular and clerical magnates, ignoring the widespread misuse of official power in many contemporary societies.

⁴⁹⁰ (Le Jan-Hennebicque 1968, 170-171).

⁴⁹¹ Conc. 2 no 50 p 645 c 52.

⁴⁹² Capitula e canonibus excerpta 813 (Cap. I no 78 p 174) c 22; Capitula italica (Cap. I no 105 p 220) c 21.

Fouracre goes too far, however, in claiming that counts ‘had a bad press in Frankish tradition’.⁴⁹³ Although hagiography and capitularies may stress evil counts, images of ‘good’ counts (as well as bad) are frequent in other genres, especially poetry, from Eric of Friuli, via William of Toulouse and Timo to Eberhard of Friuli.⁴⁹⁴ These sources, however, share the same lack of interest in the personal life of counts. While the sexual misdemeanours of kings connected the moral and political in significant ways,⁴⁹⁵ the sources report relatively few ‘sexual scandals’ about counts; those that do occur take their significance from specific connections to other issues of power.⁴⁹⁶ While vision literature often criticises royalty and clerics for sexual failings, counts are blamed for their evil behaviour in office. Walahfrid Strabo shows images of clerics and Charlemagne with their genitals tortured,⁴⁹⁷ alongside counts whose sins are reported in terms very similar to those of the capitularies:

They are not the avengers of crime, but the friends of Satan. Some of them inflict many perils on their people; despising the law, they are accustomed to condemn the innocent and exonerate the guilty; they ally themselves with thieves and are partners in every crime... Their avaricious eagerness does not know how to concede anything.⁴⁹⁸

⁴⁹³ (Fouracre 1995, 788).

⁴⁹⁴ See e.g. Paulinus, *Carmen* 2 (Poet. I pp. 131-133); *In honorem* v 172-; *Carmen de Timone comite*; Sedulius, *Carmina* II-38, 39, 53, 67 (Poet. III pp. 202-203, 212, 220-221). Similarly, *De iniusticiis* p 226 contrasts injustice at the royal court with the good justice provided by Agobard’s local count Bertmund and his subordinates.

⁴⁹⁵ (Fried 1982, 29; Airlie 1998a).

⁴⁹⁶ Relationships of counts with royal women were obviously problematic e.g. Bernard of Septimania and Queen Judith, Baldwin of Flanders and Judith (AB 862). Hincmar, *Epistola* 136 (Epp. 8 p 88): Count Stephen’s marriage was a ‘scandalum’ because of the resulting public conflict with his wife’s family. Regino 883 reports Count Richwin killing his dishonoured wife as part of a sequence of disorder centring round the royal pretender Hugo.

⁴⁹⁷ *Visio Wettini* v 319-325, 446-464.

⁴⁹⁸ *Visio Wettini* v 492-500:

‘Non scelerum ultores, Satanae sed habentur amici;
 Illorum quidam multis stringendo periculis
 Afficiunt homines, iustos damnare, reosque
 Iustificare viros contempta lege solentes,
 Furibus adnexi, vitiumque per omne sodales,
 ...
 Ardor avaritiae nescit concedere quicquam’.

Nor is there interest in the moral significance of the comital office. The term *honor* is frequently used, which could also be used for grants of land or gifts: the dignity that office brings is stressed as much as its public role.⁴⁹⁹ The lay mirrors instruct that one should not love worldly *honores*.⁵⁰⁰ Yet they do not suggest that laymen need be reluctant to accept office.⁵⁰¹ Only Hincmar stresses the moral dangers that may arise as the result of high secular office.⁵⁰² Nor do secular titles attract the moralising etymology common for those of kings and bishops.⁵⁰³

There is a similar contrast in moralists' attitude to unworthy office-holders. Carolingian theories on royal power sometimes suggested that only a good king is a legitimate king.⁵⁰⁴ In contrast, a bad count was not a contradiction in terms.⁵⁰⁵ Counts are shown as legitimate essentially because of royal appointment;⁵⁰⁶ the idea of being

The sins of counts Odalrih and Ruadrih (see v 414-427 and (Traill 1974, 142)) are not made explicit. The *Visio cuiusdam pauperulae mulieris* similarly condemns Count Bego (Pico) for his avarice.

⁴⁹⁹ (Zotz 1993, 19).

⁵⁰⁰ See e.g. DIL 3-4: 'Aliquando propter donum alicujus virtutis, aliquando propter mundi honores, aliquando vero propter carnis fragilitatem labitur in superbiam'; DVV 35: 'Nonne melius est et beatius Deum diligere,... quam hujus saeculi amare...honores et felicitates saeculi transitorias'; LE 11: 'Gaudet miles terrenus acquisisse honores hujus saeculi perituros'.

⁵⁰¹ This is a prominent theme of Gregory the Great: see e.g. *Regula pastoralis* 1-3, 5, 7. Reluctance for an abbot's role on moral grounds is also a topos of monastic literature: see e.g. *Visio Wettini* v 78-81, 93-100.

⁵⁰² De ordine 37.

⁵⁰³ See e.g. LM 3-11 (*episcopus*); DIR 3 (*rex*). Isidore, *Etymologiarvm sive originvm libri* XX, IX c 3 includes etymologies for *rex* (no 4) and *dux* (no 22) (though not *comes*). The etymology for *rex* becomes part of the standard moral-political rhetoric about kingship; the etymology of *dux* is seemingly never quoted by Carolingian authors.

⁵⁰⁴ (Nelson 1994, 66-69).

⁵⁰⁵ DIR 5 quotes Bede, In epistolas septem Catholicas, 1 Peter II, 13-14: 'Non quod omnes, qui a regibus mittuntur duces, vel male facientes punire vel bonos laudare noverint; sed quae esse debeat actio boni ducis simpliciter narrat'. There are occasional references to counts being tyrants (see e.g. EA 2-7 on Bernard of Septimania; Nicholas I, Epistola 43 (Epp. 6 p 317) on the *primores* of Aquitaine; John VIII, Epistola 142 (Epp. 7 p 122) on Bernard, *marchio* of Gothia) but these are less frequent than references to rulers as tyrants.

⁵⁰⁶ Attempts by scholars to show an 'independent' sense of comital power have often relied on straining the meanings of texts. For example, (Hannig 1984, 257) claims that *Carmen de Timone comite* shows an 'eigendynamischen Gegenpol zu den Amtspflichten des Herrschers', but the lines he quote (v 11-12) do not support this view.

a count ‘by the grace of God’ appears regularly only in tenth century charters.⁵⁰⁷ Their control was thus similarly a royal matter. There is no tradition of counts suffering ecclesiastical penalties (such as penance or excommunication) for their failings in office,⁵⁰⁸ despite the use of such methods against other ‘secular’ offenders. Apart from hagiography, narrative sources rarely show counts, unlike rulers, as punished by God in this world.⁵⁰⁹ Instead, the failures of counts were seen as imperilling the kings who appointed them.⁵¹⁰

While discussions of counts have little to say about their personal lives, conversely the lay mirrors (largely addressed to counts and dukes) have little to say specifically about the behaviour of office-holders (apart from *iudices*). Jonas in *De institutione regia* is unusual in specifically linking the personal and political for counts: they must remember that the ‘people of Christ’ are their equal by nature⁵¹¹ and not try to dominate them. A similar split is also visible in sources portraying ‘holy’ counts. Walahfrid Strabo, recounting the virtues that gave Gerald of Bavaria a place in heaven, stresses only his personal qualities.⁵¹² Odo of Cluny clearly had problems reconciling Gerald of Aurillac’s responsibilities as a judge with saintly mercy.⁵¹³

This disjunction between the sources suggests that an understanding of ‘office’ as distinct from ‘person’ was possible in the case of counts. It is also noticeable that problems with counts were tackled by structural changes (such as the institutionalising of royal missi), as well as moral exhortations. The ‘ethical

⁵⁰⁷ (Le Jan 1995, 138-141). (Airlie 1985, 276-279) discusses some of the rare ninth century examples. The idea is also seen in two early ninth century Alaholfing deeds ((Borgolte 1986, 313-321).

⁵⁰⁸ The anathema on Baldwin (AB 862) was specifically due to his personal behaviour in abducting Judith.

⁵⁰⁹ Exceptions include for military over-confidence (e.g. Frankish army in AF 849) and treachery (e.g. Gundachar in AF 869).

⁵¹⁰ DIR 5: ‘necesse est ut tales [duces and comites] ad consitutendum provideantur, qui sine periculo eius, a quo constituuntur, constitui possint.’ Cf. Ad episcopos 14.

⁵¹¹ DIR 5: ‘ut plebem Christi sibi natura aequalem recognoscant.’

⁵¹² Visio Wettini v 802-826

⁵¹³ See below pp. 162-163.

personalism' that Fried sees as characteristic of Carolingian thought,⁵¹⁴ is far less prominent in discussions of counts than of rulers. Possibly this is simply due to a relative lack of interest by political authors in counts, but it may also indicate that the search for 'transpersonal' political ideas is distorted by a focus on kingship, whose hereditary nature intrinsically personalised the office.

3.8 JUSTICE AND THE LEGAL SYSTEM

The Frankish legal system was marked by its plurality, with local comital courts, episcopal courts and also the royal court, and a variety of means by which it decided cases.⁵¹⁵ Innovations in the Carolingian period included the institution of the *missi dominici* as royal representatives in legal cases from the 780s and the development of the procedure of *inquisitio* in the ninth century, by which those in charge of cases could compel local men to testify about a case, sometimes on oath.⁵¹⁶ From the 780s *scabini* (permanently appointed local judgement-finders) appear in documents, replacing the *rachymburgi*.⁵¹⁷ This change in terminology does not seem to have changed the type of men involved, but it does show a new emphasis on officially defined roles for those possessing local influence.⁵¹⁸ There was also a considerable expansion in the types of cases reserved for the emperor and the palace court.⁵¹⁹

Recent research has consistently shown how the powerful used the judicial system to reinforce their power.⁵²⁰ Elite men had a particular role in presiding over

⁵¹⁴ (Fried 1982, 43).

⁵¹⁵ There was also a flourishing culture of extrajudicial dispute settlement (see e.g. (Brown 2001, 202-204)).

⁵¹⁶ (Le Jan 1997, 56-58, 77-78).

⁵¹⁷ (Estey 1951, 121-126; Ganshof 1965, 54-57). (Wormald 1999, 89) is more sceptical about the newness of the 'scabinate'.

⁵¹⁸ (Innes 2000, 184-185). (McKitterick 1997b, 1097-1098) thinks this may also have led to 'professional' judges.

⁵¹⁹ (Ganshof 1968, 83-86): Charlemagne later became concerned at the excessive number of cases coming to the palace.

⁵²⁰ (Le Jan 1997, 50-51).

courts and making and enforcing judgements. Dhuoda, for example, instructs William on how he should behave if he is required to judge cases.⁵²¹ In the local *mallus*, the judgement finders who assisted the presiding officer (normally a count or his subordinate) were normally men of local standing: texts sometimes refer to them as *nobiles*.⁵²² Men of higher status were also required to attend local *placita* more frequently than other free men.⁵²³ In ninth-century Brittany, impartial witnesses (those chosen by judges rather than offered by the parties) seem to have been chosen from a limited sector of the free, male propertied population of the area and are sometimes referred to as *nobiles*.⁵²⁴ In contrast, women had a more limited participation in the legal system, normally being unable to act as witnesses, for example.⁵²⁵

Noblemen's power over the legal system was still limited, however, as compared to later centuries: the free peasantry were not yet subject to lordly jurisdiction, and there was still collective action in judgements in the tenth century.⁵²⁶ *Servi* were subject to the judgement of their lords in many circumstances, but not all.⁵²⁷ Similarly, although immunities existed, and could be held by laymen as well as churches,⁵²⁸ their jurisdiction did not extend to the most serious offences.⁵²⁹

⁵²¹ LM 4-8.

⁵²² (Nehlsen-von Stryk 1981, 242-255; Nelson 1986, 58-60). The terminology used is often imprecise; for example, *iudex* was also used for the administrators of royal estates. In this chapter I will refer to all those involved in making judicial decisions as judges, except where sources specifically refer to counts.

⁵²³ (Ganshof 1965, 57-58).

⁵²⁴ (Davies 1986, 80-82). Witnesses in Italy had to hold enough property to be able to pay their wergild if they were fined for perjury. ((Wickham 1986, 111)). *Capitulare pro lege habendum Wormatiense* 829 (Cap. II no 193 p 19) c 6 prohibits freemen without property from witnessing in others' property disputes.

⁵²⁵ See e.g. (Nelson 1986, 51-52, 58; Nelson 1990b, 62-63; Arjava 1996, 231-245).

⁵²⁶ (Innes 2000, 49).

⁵²⁷ (Davies 1996, 236-238). See e.g. *Capitulare Karoli M. de latronibus* (Cap. I no 82 p 181) c 7: 'Ut liceat unicuique de suo servo potestatem habere iusticiam faciendi de omnibus neglegentiis, nisi forte contingat ut cum furto fiat comprehensus.' (Cases of theft are dealt with by the *iudex*).

⁵²⁸ (Nelson 1986, 62).

⁵²⁹ (Goebel 1937, 150-154).

Simply as a party to a case, however, the powerful sometimes had institutionalised advantages. Some capitularies limit the legal rights of certain socially inferior groups,⁵³⁰ while the powerful were sometimes explicitly given favoured access to courts. Charlemagne in one capitulary ordered that ‘homines boni generis’ who had committed crimes should be brought to him.⁵³¹ In 811 he reserved cases involving ‘bishops, abbots, counts and *potentiores*’ to himself, while the count of the palace dealt with those involving the ‘pauperes et minus potentes’.⁵³² Louis the Pious promised speedy justice particularly to ‘personae quae se nobis commendaverunt’.⁵³³ (The more physically powerful had an advantage in trial by battle, a matter which clearly concerned Louis the Pious).⁵³⁴

Such privileges were rarely justified explicitly; it seems simply to have been assumed that powerful men should control the legal system.⁵³⁵ Capitularies and

⁵³⁰ See e.g. Admonitio generalis 789 (Cap. I no 22 pp. 56-57) c 45 (citing the ‘Concilium Africanum’: no accusation by *viles personae*. Capitula francica (Cap. I no 167 p 334 c 8: bans ‘viles personae et infames’ from making accusations at the royal palace, judging or bear witness: these were ‘histriones, scilicet, nugatores, manzeres, scurrae, concubinari, neque ex turpium feminarum commixtione progeniti aut servi aut criminosi.’; Cf. Concilium Turonense 813 (Conc. 2 no 38 p 291) c 34 calling for ‘viles et indignae personae’ not to be allowed to testify. Normally, however, any free man seems to have been able to appeal to the palace court. ((Le Jan 1997, 58).

⁵³¹ Capitulare Aquisgranense (Cap. I no 77 p 171) c 12.

⁵³² Capitulare de iustitiis faciendis (Cap. I no 80 p 176) c 2. In the Merovingian period, the existence of royal *placita* concerned with relatively minor property disputes suggests that magnates already had fairly open access to royal justice. ((Fouracre 1986, 26)).

⁵³³ Concessio generalis (Cap. I no 159 p 321) c 3. Cf. Pippini capitulare italicum (Cap. I no 102 p 210) c 10 (allowing royal *vassi* and *austaldi* to use advocates if they are not present at a case); Karolomanni capitulare Vernense 884 (Cap. II no 287 p 373) c 4 (royal *vassi* accused of *rapina* are to have their *homines* swear an oath to clear them, rather than swear themselves).

⁵³⁴ Capitula legi addita 816 (Cap. I no 134 c 1 p 268): ‘Hoc [ordeal of cross] et de timidis atque inbecillibus sive infirmis qui pugnare non valent, ut nullatenus propter hoc iustitias suas careant, censimus faciendi’; Item capitula legi addita 816 (Cap. I no 135 p 269) c 1 (on the procedure if witnesses disagree): ‘Nam si flebiliore fuerint ipsi testes, tunc ad crucem examinentur, nam si maioris etatis sunt et non possunt ad crucem stare, tunc mittant aut filios aut parentes aut qualescumque homines possunt, qui pro eis tendunt.’ There is no specific reference to women’s disadvantages here: cf. Statuta Rispacensia Frisingensia Salisburgensia (Conc. 2 no 24A c 14 pp. 212-213) c 46 where if a husband does not want to submit to the ordeal of the cross in a dispute with his wife, he is allowed to use a (female) substitute.

⁵³⁵ One of the few exceptions is the claim in the Lorsch Annals 802 that poorer *vassi* were more liable to bribery when acting as *missi* ((Hannig 1983, 311)). The supposed ‘Council of Nantes 895’ (Mansi 18A col. 171-172) c 19 has a rare explicit comment on women’s

descriptions of cases also show numerous legal abuses by the more powerful. A gendered dimension is visible here: a number of women alleged unjust treatment in the law-courts.⁵³⁶ Widows are frequently seen as legally vulnerable in the capitularies.⁵³⁷ This vulnerability apparently overrode social status. Paschasius' widow, legally defrauded and eventually murdered, is described as 'nobilis',⁵³⁸ while the 'wary widow' Erkanfrida, who came from the lesser nobility, had to go to elaborate lengths to try and ensure her testamentary wishes were carried out.⁵³⁹

Despite many abuses, the legal system was theoretically dominated by moral concerns.⁵⁴⁰ A number of patristic authors had argued that human law, as promulgated by rulers, should and could reflect divine 'natural law'.⁵⁴¹ Isidore, in particular, stressed the role of the ruler in benefiting the ruled, using law as his instrument to implement and inculcate *iustitia*.⁵⁴² Carolingian law, described as established by royal decree and public consent,⁵⁴³ was similarly seen as having both a

participation: 'cum indecens sit, et etiam inter barbaras gentes reprehensibile, mulieres virorum causas discutere...Unde, quia divinae leges...hoc contradicunt, et humanae nihilominus id ipsum prohibent, ut foemenae nihil aliud prosequantur in publico, quam suam causam...idcirco ex auctoritate interdicimus, ut nulla sanctimonialis virgo, vel vidua, conventus generales adeat, nisi a principe fuerit evocata, aut ab episcopo suo: nisi forte propriae ratio necessitatis impulerit, et hoc ipsum cum licentia episcopi sui.' The authenticity of these canons is uncertain, although (Hartmann 1989, 387) thinks that Regino of Prüm, who cites them, may have taken them from an episcopal capitulary.

⁵³⁶ See e.g. (Nelson 1986, 56-59; McKitterick 1997b, 1087-1092). Cf. (Stafford 1998, 115): 'Women's landholding...is over-represented in disputes.'

⁵³⁷ See below p 159. Capitula legibus addenda 818-819 (Cap. I no 139 p 281) c 3 specifically refers to 'viduae, pupilli et pauperes' who may be unable to produce witnesses.

⁵³⁸ EA 1-26.

⁵³⁹ (Nelson 1995, 95-111).

⁵⁴⁰ (Fouracre 1995, 791): 'there were aspects of Carolingian justice which suggest that it did in principle have a public morality, and, above all, that it had a framework within which that morality could be expressed, which was lacking the later period [tenth and eleventh centuries].'

⁵⁴¹ (Markus 1988, 98-101); Augustine was eventually more pessimistic (pp. 106-111).

⁵⁴² (King 1988, 142-144).

⁵⁴³ (McKitterick 1997b, 1086) quoting Edictum Pistense 864 (Cap. II no 273 p 313) c 6: 'et quoniam lex consensu populi et constitutione regis fit'. The prefaces to several of the *leges* link their composition to the deliberations of groups of wise and/or illustrious men (p 1095).

moral and social dimension.⁵⁴⁴ Frankish identity was specifically linked with loving justice in the prologue to the 'D' text of *Lex Salica*,⁵⁴⁵ while Hincmar several times quoted Pseudo-Cyprian's claim that the twelfth abuse of the world was 'populus sine lege.'⁵⁴⁶

The key term in this moral understanding was *iustitia*.⁵⁴⁷ This was a word with many meanings, which could apply to divinely ordained social order, the administration of justice and also a particular individual's legal or moral rights.⁵⁴⁸ Justice as a social virtue is seen most clearly in Charlemagne's demand in the Programmatic capitulary that all should live justly.⁵⁴⁹ Similarly, Jonas saw it as part of the 'rule' of the whole lay *ordo* to 'serve justice'.⁵⁵⁰ However, *iustitia* could also refer to rights that may not necessarily be seen as 'just' in our sense.⁵⁵¹

Merovingian and Carolingian political rhetoric stressed the importance of *iustitia*. Power, especially royal power, was understood as founded on justice.⁵⁵²

⁵⁴⁴ Capitulary legislation on the judicial system focused strongly on its moral aspects: (Fouracre 1995, 779). This contrasts with a far more pragmatic focus on e.g. military institutions. DIL 2-24 quotes Isaiah 10: 1: 'vae qui condunt leges iniquas, et scribentes injustitias scripserunt'.

⁵⁴⁵ (Wormald 1999, 41).

⁵⁴⁶ See e.g. De divortio, Anhang Responsio 7, p 261; Bishops' answer, Council of Douzy 871 (Conc. 4 no 37C p 501) c 12; De regis 27.

⁵⁴⁷ (Mähl 1969, 7-34) summarises the classical tradition of *iustitia* as one of the four cardinal virtues and its reception in patristic thought.

⁵⁴⁸ (McKitterick 1997b, 1081) Cf. (Patze 1972).

⁵⁴⁹ Cap. I no 33 p 92 c 1: 'Sed omnes omnino secundum Dei praeceptum iusta viverunt rationem iusto iudicio'. As one of the four cardinal virtues, patristic writers gave *iustitia* even wider meanings (see (Mähl 1969, 18-19). Paraenesis wants a judge's court sessions to start with an exhortation to those present (v 447-448): 'Sicque pio hos tecum mentis amore mone: / "Discite iustitiam, caelesta discite iussa"'.

⁵⁵⁰ Jonas, Historia translationis sancti Hucberti (PL 106 col. 389) c 1: 'Et quisque ordo in regno sibi tradito non passim levitate jactatus a propria regula exorbitaret, sed laicus ordo iustitiae deserviret'.

⁵⁵¹ See (Magnou-Nortier 1990), although her claim that 'iustitia' frequently refers to fiscal revenues seems unlikely ((Fouracre 1995, 801-802)); Paraenesis v 917-918: 'Quodque miser perdit, perhibetur perdere iuste, / Quodque rapit dives, tollere iure putat.'

⁵⁵² (Le Jan 1997, 53-54).

McKitterick summarises three key elements in ninth-century political ideology, as seen in authors such as Paulinus, Jonas and Sedulius Scottus:

firstly, that justice was a virtue and part of an ethical code; secondly, that worldly justice was linked with divine justice and law as paving the path to eternal life with God; thirdly that the practical exercise of justice was an essential element for political strength and stability.⁵⁵³

Only occasionally did moralists specifically oppose human to divine law. Jonas was concerned that human law was 'preferred' to divine law,⁵⁵⁴ and gave several specific examples of legal practices he considered morally wrong,⁵⁵⁵ as did Theodulf⁵⁵⁶ and Hincmar.⁵⁵⁷

Moral responsibilities of judges

Specific moral demands about the legal system focused particularly on rulers and judges. Since earthly justice was necessary to ensure the safety of kingdom, kings had to take the initiative in redressing injustice.⁵⁵⁸ Alcuin and Jonas in their lay mirrors see it as the ruler's responsibility to appoint good judges,⁵⁵⁹ while kings threatened to dismiss counts and judges who failed to administer justice.⁵⁶⁰

⁵⁵³ (McKitterick 1997b, 1076).

⁵⁵⁴ DIL 1-20: 'Providendum est ergo omnibus fidelibus, ut divinis legibus humanas, et divino amoris mundi non praeponant amorem.'

⁵⁵⁵ DIL 2-4 (male adultery), 2-12 (husbands divorcing wives), 2-23 (oppression of the poor by the rich), 3-5 ('malum pro malo reddunt').

⁵⁵⁶ Theodulf, Carmen 29 (Poet. I pp. 517-520) condemns the use of mutilation and death as punishment for thieves, while only fines are paid for murder, and contrasts this with Biblical commands.

⁵⁵⁷ De coercendo 11-12 (killing of adulterous wives).

⁵⁵⁸ (McKitterick 1997b, 1075-1076, 1083-1089).

⁵⁵⁹ DVV 20; DIL 2-24.

⁵⁶⁰ See e.g. Capitulatio de partibus Saxonis (Cap. I no 26 p 70) c 24 (loss of comital office for concealing *latrones*), c 28 (loss of comital office for taking 'munera super innocente'); Pippini Italiae regis capitulare (Cap. I no 91 p 192) c 7 (loss of honour by Frankish count for delaying justice, and for Lombard count for not judging justly); Capitulare missorum Wormatiense 829 (Cap. II no 192 p 15) c 2 (*missi* to replace bad *scabini*).

Capitularies demand that those responsible for judging were of good moral character.⁵⁶¹ Alcuin's *De virtutibus et vitiis* contains a long passage on *iudices* which summarised the faults that judges needed to avoid.⁵⁶² They should not accept gifts, show favouritism or hatred or act from fear. They should not delay justice; they should not be stupid, wicked or irascible. They must not have evil subordinates, since they themselves will be held responsible for their faults.⁵⁶³ Such demands are repeated in the capitularies.⁵⁶⁴ The *Admonitio generalis*, for example, states:

those to whom the power of judging has been given are to judge justly...not with regard to gifts...nor with regard to flattery, nor with regard to respect for persons...For first the *iudex* is diligently to learn the law...lest he wander from the path of truth by ignorance. And when he perceives the right judgement, he is to beware that he does not turn away from it, either through flattery of someone, or love of whatever friend or fear of some powerful man or a gift.⁵⁶⁵

Most texts which discuss judges simply repeat these themes. Bribery, in particular, was central to the idea of the abuse of justice,⁵⁶⁶ in a way it had not been in

⁵⁶¹ (Ganshof 1965, 56-57).

⁵⁶² (Wallach 1955, 182) shows this chapter is drawn largely from Isidore of Seville's *Sententiae*. Isidore's work was also a source for several other Carolingian texts on justice: (Fuhrmann 1980, 261-) shows its use by Theodulf and in the *Admonitio generalis*.

⁵⁶³ DVV 20: 'Qui innocentes damnat, vel impios justificat pro muneribus; vel cuiuslibet personae amore vel odio [inique iudicat, in Dei iudicio vindictam sustinebit]. Nemo principum stultos vel improbos iudices ponere debet. Nam stultus per ignaviam ignorat iustitiam, improbus autem per cupiditatem subvertit ipsam quam didicit veritatem... Aliquoties iudices boni ministros habent rapaces; quorum scelere coinquantur, si non prohibent rapacitatem illorum.... Iracundus iudex iudicii examen plene contueri non valet, quia caligine furoris non videt claritatem iustitiae.'

⁵⁶⁴ (Siems 1995, 556-559) lists many of the passages.

⁵⁶⁵ Cap. I no 22, p 58 c 63: 'Ut quibus data est potestas iudicandi iuste iudicent...non in muneribus...non in adulatione, nec in consideratione personae...Primo namque iudici diligenter discenda est lex..., ne per ignorantiam a via veritas erret. Et dum ille rectum intellegat iudicium, caveat ne declinet, aut per adulationem aliquorum aut per amorem cuiuslibet amici aut per timorem alicuius potentis aut propter praemium a recto iudicio declinet.' DVV's demand that counts have good subordinates is repeated in e.g. Programmatic capitulary 802 (Cap. I no 33 p 96) c 25; Capitula de missis instruendis 829 (Cap. II no 187 p 9).

⁵⁶⁶ (Fouracre 1995, 777). DIL 2-24 condemns judges who think that taking gifts is acceptable provided that they nevertheless judge rightly. Cf. Paraenesis v 329-336.

the Merovingian period.⁵⁶⁷ A throwaway comment by Paulinus on God as judge shows how normal the problem was:

that most equitable judge will come, who accepts the person of no power,
whose palace no bishop, no abbot, no count will be able to corrupt with gold
or silver.⁵⁶⁸

Theodulf's poem on justice gives a graphic picture of the problems of 'munera saeva',⁵⁶⁹ in the judicial system. Gift-exchange was a normal part of social relations,⁵⁷⁰ and specifically a way of recognising the status of judges.⁵⁷¹ How could the giving of customary gifts to the settlers of disputes therefore be distinguished from bribes?⁵⁷² Even Theodulf admitted that in order to avoid being 'notabilis' he accepted small gifts when acting as a missus.⁵⁷³ Although some capitularies ban counts and judges receiving gifts,⁵⁷⁴ they do not prohibit litigants offering gifts.

Fear of the powerful and favouritism could be equal threats to impartial justice.⁵⁷⁵ Agobard complained to Count Matfrid that many people thought they would be able to escape from prosecution at the palace court via favouritism, and that Matfrid himself was seen by many as a 'wall' protecting those he favoured from

⁵⁶⁷ (Siems 1995, 546-551) lists the few references in Merovingian normative texts. (Hannig 1983, 366-374) shows that the comments of the Lorsch Annals 802 about Charlemagne avoiding using poorer *vassi* as missi lest they take bribes is largely an ideological statement about Charlemagne's concern for justice.

⁵⁶⁸ LE 62: 'aderit ille aequissimus iudex, qui nullius potentis personam accipiet, cujus palatium auro argentoque nullus episcopus, nec abbas, nec comes corrumpere poterit.' Cf. VG 1-17: 'Erat autem pauperibus et injuriam passis liber ad eum semper accessus, nec ad causam suam ei commendandam deferre munusculum aliquod indigebant.'

⁵⁶⁹ Paraenesis v 16. Theodulf claims that even the court doorkeepers take bribes (v 429-434).

⁵⁷⁰ Paraenesis v 232 quotes one litigant offering a gift to Theodulf: 'Quae do si capias, quae rogo, rite dabis.'

⁵⁷¹ (Le Jan 1997, 54-56).

⁵⁷² (Innes 2000, 131).

⁵⁷³ Paraenesis v 275-290.

⁵⁷⁴ See e.g. Capitula e canonibus excerpta 813 (Cap. I no 78 p 174) c 10: 'Ut comites et iudices...munera pro iudicia non accipiant'; Capitula a missis dominicis ad comites directa (Cap. I no 85 p 184) c 2: 'Deinde ut iustitias ecclesiarum, viduarum, orfanorum et reliquorum omnium...sine ulla iniusto pretio...pleniter et inreprehensibiliter et iuste et recte per omnium faciatis.'

⁵⁷⁵ (Fouracre 1995, 784-786).

Louis the Pious' correction.⁵⁷⁶ Theodulf denounced judges influenced by their wives or *ministri*.⁵⁷⁷ Again, the emphasis is on the judge's responsibility: only one capitulary prohibits the threatening or killing of judges.⁵⁷⁸

Capitularies frequently demanded that judges should know and use the written law⁵⁷⁹ and should not delay cases, particularly in favour of feasts or hunting.⁵⁸⁰ *Placita* had to be held regularly, but the number of *placita* in which all free men of the *pagus* had to participate was repeatedly limited.⁵⁸¹ There was particular concern about the vulnerable: judges had to ensure justice for specific social groups, often including widows, orphans and *pauperes*. They were supposed to provide representatives for those unable to plead for themselves through infirmity or ignorance.⁵⁸² Hincmar used the Old Testament example of judges sitting at the gates to argue that they should be accessible to all.⁵⁸³ Delays to cases were seen as particularly affecting the poor: several capitularies demanded that the cases of widows, wards, orphans and *pauperes* were dealt with first during a session.⁵⁸⁴ As Jonas and Alcuin put it: 'The poor are

⁵⁷⁶ De iniusticiis p 226: 'plerique...dicentes in cordibus suis: "Si querela de me ad palatium uenerit, causa ad causidicos dirigetur. Illic inueniam parentes uel amicos plures, per quos indubianter fiet, ut regalem offensionem nullam incurram..."' Ibid.: 'multi talium putant uos esse murum inter se et imperatorem, per quem defendantur a correctione.' Agobard specifically refuses, however, (p 227) to name the corrupt officials.

⁵⁷⁷ Paraenesis v 675-735. He also warns against the effects of flattery (v 307).

⁵⁷⁸ Widonis imperatoris capitulare Papiense legibus addendum 891 (Cap. II no 224 p 109) c 9. Capitulatio de partibus Saxoniae (Cap. I no 26 p 70) c 30 penalises killing counts.

⁵⁷⁹ (Siems 1995, 557).

⁵⁸⁰ See e.g. Duplex legationis edictum 789 (Cap. I no 23 p 63) c 17; Capitula de causis diversis (Cap. I no 49 p 135) c 1. Cf. DIL 2-24.

⁵⁸¹ (Estey 1951, 120-121; Ganshof 1968, 78). However, the *maiores natu* and *vassi* of the count could be expected to attend the *placita* more frequently.

⁵⁸² Programmatic capitulary 802 (Cap. I no 33 p 93) c 9. Cf. Pippini Italiae regis capitulare (Cap. I no 91 p 192) c 5.

⁵⁸³ Ad episcopos 13.

⁵⁸⁴ See e.g. Concilium Vernense 755 (Cap. I no 14 p 37) c 23; Capitula francica (Cap. I no 167 p 333) c 2. Cf. Paraenesis v 373-382, 595-598, 621-624.

more gravely lacerated by wicked judges than by the cruellest enemies. For there is no thief so desirous of the things of others as an iniquitous judge.’⁵⁸⁵

Theodulf’s *Paraenesis* is the most detailed picture of the moral demands on judges. He urged prayer before a court session starts,⁵⁸⁶ and warned against drunkenness, with a satirical portrait of the hung-over judge.⁵⁸⁷ Unusually, he stressed the skills required of a good judge. He must strike a balance between deciding cases slowly (which might lead to sluggishness) and too rapidly, which might lead to error.⁵⁸⁸ He had to control the litigants (and the court room) carefully,⁵⁸⁹ but avoid violence.⁵⁹⁰ He must also be ‘skilful’ in assessing and questioning witnesses.⁵⁹¹ Most other moralists were content if judges ‘loved justice’.⁵⁹² As Jonas puts it: ‘knowledge of judging rightly is conferred by God on mortals.’⁵⁹³

Justice had to be visible: the guilty must receive obvious punishment.⁵⁹⁴ One capitulary demanded that every count and judge had a prison and gallows,⁵⁹⁵ and the *Carmen de Timone comite* praises Timo for his hanging and mutilation of

⁵⁸⁵ DIL 2-24 (quoting Isidore, *Sententiae* Book 3, 52, 7-9): ‘Gravius lacerantur pauperes a pravis iudicibus, quam a cruentissimis hostibus. Nullus enim praedo tam cupidus est in alienis, quam iudex iniquus in suis.’ DVV 20 also quotes this.

⁵⁸⁶ *Paraenesis* v 357-370. Cf. VG 1-17.

⁵⁸⁷ *Paraenesis* v 399-420. Cf. VG 1-11. *Capitulum missorum* 803 (Cap. I no 40 p 116) c 15 banned anyone drunk from presenting or witnessing a case and also demanded that the count fasted while holding *placita*.

⁵⁸⁸ *Paraenesis* v 611-614. Cf. Council of Tribur 895 (Cap. II no 252 p 225) c 22.

⁵⁸⁹ *Paraenesis* v 631-674.

⁵⁹⁰ *Paraenesis* v 639-640.

⁵⁹¹ *Paraenesis* v 745-746: ‘Horum [witnesses] tu sollers famamque genusque require, / nomina seu mores, et loca sive fidem.’

⁵⁹² See e.g. *De ordine* 10 on the king’s duties: ‘Tales etiam comites et sub se iudices constituere debet, qui avaritiam oderint et iustitiam diligant’; LM 4-8: ‘Dilige iustitiam, ut iustus esse videaris in causis.’

⁵⁹³ DIL 2-24: ‘Scientiam porro recte iudicandi a Deo mortalibus conferri dubium non est’. *Paraenesis* v 667-674 thinks a case may be obscure initially, but will soon become clear.

⁵⁹⁴ (McKitterick 1997b, 1089).

⁵⁹⁵ *Capitulum Aquisgranense* (Cap. I no 77 p 171) c 11.

criminals.⁵⁹⁶ In contrast, discussions of justice rarely stressed any need for mercy. ‘Acts of mercy’ seem to have played an important role in narratives of dispute settlement,⁵⁹⁷ but these were gracious concessions by the victorious party to a submissive opponent, not actions by a judge. Displays of mercy by rulers to offending magnates were also common, but not inevitable.⁵⁹⁸ Instructions for judges in capitularies, however, do not stress mercy, although some texts remind judges that God will judge them as they judge others.⁵⁹⁹ Instead, caution about mercy is often visible. Hincmar, for example, contrasts ‘just mercy’ and ‘unjust mercy’.⁶⁰⁰ Alcuin wants judges to exercise mercy combined with discipline.⁶⁰¹ Theodulf, similarly, argued for mercy to be balanced with justice for the sake of ‘equity’.⁶⁰² He was exceptional, however, in condemning the cruelty of the punishments inflicted on criminals and proclaiming that he wished instead to be a judge who saved those due to be punished.⁶⁰³

⁵⁹⁶ (Brown 2001, 3).

⁵⁹⁷ (Brown 2001, 125-).

⁵⁹⁸ (Brown 2001, 134-135, 206) contrasts the harsh treatment of Tassilo and Count Cotehram in Bavaria with Ottonian practices). Mercy of course, was a relative concept: see e.g. (Bührer-Thierry 1998) on the ‘merciful’ punishment of blinding.

⁵⁹⁹ Variations on Matthew 7: 2 (‘in quo enim iudicio iudicaveritis iudicabimini’) are quoted by e.g. Missi cuiusdam admonitio (Cap. I no 121) p 240; Council of Pitres 869 (Conc. 4 no 31 p 359) c 11; DIL 2-24; DVV 8, 20; LM 4-8.

⁶⁰⁰ Libellus expostulationis, Council of Douzy 871 (Conc. 4 no 37B p 483 c 35) quoting from Ambrose, Expositio psalmi 118, 8, 25: ‘Est iusta misericordia et est etiam uniusta misericordia.’ He uses the same passage in De regis 19, ‘De discretione in habenda misericordia’. (Goebel 1937, 242-243): when the term *miseriordia* (for the king’s power of pardon) begins to appear in ninth century capitularies, there is an emphasis on its discretionary use and the idea of *rationabilis misericordia*.

⁶⁰¹ DVV 7: ‘In iudice misericordia et disciplina debet esse: quia una sine altera bene esse non possit. Nam misericordia sola si fuerit, securitatem facit peccandi subjectis. Iterum, si disciplina sola semper aderit, vertitur animus delinquentis in desperationem, et iudex non merebitur a Deo misericordiam...’ LM 4-8 also wants William to be merciful: ‘In iudiciis legalium, si accesseris unquam, adhibe misericordiam et mansuetudinem.’, but Jonas says very little about the need for mercy in the judicial system.

⁶⁰² Paraenesis v 863-864: ‘Non ius crudelem, non det miseratio segnum, / Namque aequo si sit plusve minusve, nocet.’

⁶⁰³ Paraenesis v 881-882: ‘Ille ego sim, redimam miserorum qui agmina multa, / Ille ego sim, plures qui cruce, clade levem’.

Mercy was morally ambiguous. Wala's leniency to a murderous justiciar seems unsuitable to modern sensibilities.⁶⁰⁴ The *Vita Geraldi* in particular show how problematic the concept of the merciful judge was. Odo could easily show Gerald informally pardoning those who had robbed or injured him⁶⁰⁵ or compensating those whom he had wrongly punished.⁶⁰⁶ His problem was to show how a saintly layman should treat those who had harmed others. Odo first claims that Gerald was 'never slow in punishing the guilty' and knew that some men were divinely ordained to inflict temporal punishment.⁶⁰⁷ Yet he immediately follows this with a story illustrating how Gerald 'often spared the guilty'.⁶⁰⁸ Gerald secretly allowed men who had blinded a priest to escape from his captivity and afterwards claimed (seemingly without justification) that the priest had forgiven them.⁶⁰⁹ Odo then argues that Gerald punished only those he knew to be confirmed evildoers, while freeing wrongdoers who had not acted 'through evil habit'.⁶¹⁰ Again, the examples he gives do not support this claim.⁶¹¹ Gerald was prepared to have the guilty branded, but not watch them being killed or have their limbs amputated.⁶¹² He secretly, rather than openly,

⁶⁰⁴ (McKitterick 1997b, 1088-1089).

⁶⁰⁵ VG 1-26, 1-38, 2-18.

⁶⁰⁶ VG 1-18.

⁶⁰⁷ VG 1-18: 'iste vir,...tamen ad puniendum reos non usquequaque dormitavit: videlicet non ignorans quibusdam divinitus esse datum, ut crimen quod impunitum remanere non potest, temporali supplicio luant.'

⁶⁰⁸ VG 1-19: 'quantum saepe misereretur obnoxiiis'.

⁶⁰⁹ VG 1-19: there is no explicit reference to the priest having forgiven his attackers.

⁶¹⁰ VG 1-20: 'personas illas reorum qui se in malum destinaverat, aut damnis coercebat, aut charactere adustionis inurebat. Illas autem personas, quae non per consuetam malitiam, sed qualibet, malum aliquod perpetrassent, indemens dimittebat.'

⁶¹¹ The chapter shows him secretly freeing two men accused of a capital crime: there is no explicit statement on whether or not they were guilty or habitual criminals. In VG 1-19, the men who had blinded the priest did so as part of a 'crescens litigium', which may suggest habitual attacks.

⁶¹² VG 1-20: 'Nunquam tamen auditum est ut se praesente quilibet aut morte punitus sit, aut truncatus membris.'

freed prisoners (although in some cases this seems an open secret).⁶¹³ As a result, his subordinates were confused: at one point his soldiers are reported as summarily blinding some *latrones*, ‘fearing that Gerald would either release them, or blame them for showing him the prisoners unpunished.’⁶¹⁴

Parties and witnesses

Far less is said in Carolingian texts about the moral responsibilities of other participants in the legal system. Perjury by witnesses was, however, seen as a particularly serious crime; it was one of the few offences for which legislation routinely prescribed mutilation as a punishment for free men.⁶¹⁵ Morally, perjury was seen as harmful to judges, the innocent and God, and could expect divine punishment.⁶¹⁶ Jonas was particularly concerned, arguing that any swearing was dangerous.⁶¹⁷ Those who give false witness for the sake of money ‘sell God’.⁶¹⁸ Jonas also complained about those who thought giving false witness was only a minor sin if

⁶¹³ VG 1-20: Gerald lets some prisoners go into the woods. ‘Hi vero qui aderant, assensum ejus intelligentes, eos perscrutari inter fruteta non audebant.’

⁶¹⁴ VG 1-18: ‘Milites vero qui eos comprehenderunt, timentes ne forte domnus Geraldus aut eos dimisisset, aut cur eos impunitos sibi ostenderent inculpasset, oculos omnium protinus avulserunt.’

⁶¹⁵ See e.g. Capitulare Haristallense 779 (Cap. I no 20 p 49) c 10; Capitulare missorum generale 802 (Cap. I no 33 p 98) c 36 (perjury is ‘pessimum scelus’). The loss of a hand for perjury was a Carolingian development: earlier Frankish law prescribed only fines ((Brunner 1892, 681-682).

⁶¹⁶ DVV 21 (quoting Isidore, *Sententiae*, Book 3, 55-2): ‘Falsidicus testis tribus est personis obnoxius: primum Deo, cujus praesentiam contemnit; deinde judici, quem mentiendo fallit; postremo innocenti, quem falso testimonio laedit.’ This is also quoted by DIL 2-26. DVV 21: ‘Qui falsum testimonium profert contra proximum suum, exstinguetur lucerna ejus in die ultimo.’

⁶¹⁷ DIL 2-25: ‘in incauta juratione valde et miserabiliter delinquitur. Putatur enim a quibusdam quod solummodo ille qui falsitatem super ossa alicujus sancti viri, aut super reliquias, aut super altare, aut Evangelia jurat, perjurii crimine teneatur obnoxius: ille vero qui pro qualibet re magna, aut parva Deum testem invocat...immunis habeatur a perjurio.’ Cf. *Admonitio generalis* 789 (Cap. I no 22 p 58) c 64; *Paraenesis* v 813-844.

⁶¹⁸ DIL 2-26 (quoting Bede, *In Lucae Evangelium expositio*, Book 2, 22, 5-6): ‘nam cum pro muneribus falsum contra quemlibet testimonium dicunt, profecto quia veritatem pro justitia negant, Deum pecunia vendunt.’

it was not given on oath.⁶¹⁹ He was unusual in pointing out one of the root causes of perjury, condemning those who corrupted witnesses with ‘small presents’.⁶²⁰ Despite the many capitularies condemning perjury, only a few specifically prohibit the bribing of witnesses.⁶²¹ One capitulary demanded that no-one was to bring arms to a *mallus* or *placitum*,⁶²² with others attacked malicious interventions in supporting the guilty as infidelity.⁶²³

Justice and society

Carolingian texts were consistent (not to say repetitive) on the moral norms of the judicial system. Beyond the obvious belief that ‘justice’ was a Good Thing, capitularies, moral tracts and narrative sources largely concentrated on the same generalised ethical demands: judgement without respects of persons, concern for the poor and vulnerable, knowledge of the law, avoidance of perjury. They combined this with an acute awareness of abuses of the system. Most modern scholars have therefore stressed the shortcomings of Carolingian justice. Fouracre sees Carolingian attempts to improve justice as largely focusing on moral rhetoric and on the conduct of the judge and lacking the practical changes and detailed instructions that would have been needed to introduce new systems.⁶²⁴ It is not clear, however, that more emphasis on systems would necessarily have prevented abuses.⁶²⁵ The

⁶¹⁹ DIL 2-26: ‘et cum illud proferunt, aut nihil, aut pene nihil se delinquere credant, nisi id quod falso protulerint, verum esse iurejurando confirment.’

⁶²⁰ DIL 2-26: ‘sed et ille, qui ne juste superetur... parvamque legis jacturam subeat, diversis munusculis hujusmodi testes corrumpit, insuper etiam, sicuti fieri assolet, in perjurium impellit’.

⁶²¹ Capitulare Aquisgranense 809 (Cap. I no 61 p 148) c 6; Capitulare de iustitiis faciendis (Cap. I no 80 p 176) c 3. Concilium Turonense 813 (Conc. 2 no 38 p 291 c 34) wants to prevent ‘viles et indignae personae’ giving testimony, since they can be bribed so cheaply.

⁶²² Capitula per missos cognita facienda (Cap. I no 67 p 156) c 1.

⁶²³ (Ganshof 1965, 60-61). Capitula de missorum officiis 810 (Cap. I no 66 p 155) c 5 refers to those doing this being punished ‘cuislibet homo sit, sive domni imperatoris, sive cuilibet filiorum et filiarum vel ceterorum potentium hominum’, suggesting that this was another case of undue influence.

⁶²⁴ (Fouracre 1995, 779-780).

⁶²⁵ (Fouracre 1995, 789-790): there were soon complaints about the behaviour of the newly-introduced *missi* and *scabini*, similar to those about counts.

‘professionalisation’ of law later in the Middle Ages does not seem to have affected the justice of the outcomes.⁶²⁶ Other scholars have seen the problems of injustice as being due to failures of the nobility. Le Jan claims: ‘les aristocrates ne pouvaient adhérer à l’idéal politique [of justice] présenté dans les miroirs, car cela revenait à saper les bases sur lesquelles se fondait leur pouvoir.’⁶²⁷ Yet this ignores the fact that kings, too, were liable to make judgements that helped reinforce their political power.⁶²⁸

More fundamental problems are visible. There were inherent contradictions in the moral norms surrounding ‘justice’. Moralists stressed that judgement should not be according to ‘persons’, but at the same time it was explicitly stated that ‘justice’ should be given to individuals, according to their legal and social status.⁶²⁹ Judges were ordered to have a particular concern for the rights of the vulnerable; when Odo claimed that Gerald supported the rights of the poor against the more powerful, he saw this as one aspect of justice, rather than opposed to this.⁶³⁰

The social context of the legal system also caused problems. Le Jan sees an inherent conflict between the ideals and aims of a ‘traditional’ concept of justice by compromise, which aimed to restore peace and social equilibrium and a ‘classical’ ideal of repressive justice, focussing on punishment of the guilty.⁶³¹ Carolingian rulers increased the ‘penal’ aspects of the system of justice, but did not fundamentally overturn traditional practices.⁶³² These may have been essential for the effective local functioning of the system. Judgements had to be enforced: even a royal edict might be

⁶²⁶ (Reynolds 2001, 498): ‘People at the bottom of society came off badly in both systems’.

⁶²⁷ (Le Jan 1997, 84).

⁶²⁸ (Le Jan 1997, 80-83; Wormald 1999, 83-84)..

⁶²⁹ See e.g. Edictum Pistense 864 (Cap. II no 273 p 312) c 3: ‘Ut lex et iustitia unicuique in suo ordine omnibus conservetur’; (Nelson 1977a, 255-256).

⁶³⁰ VG 1-17: ‘Quoties pauper apud potentiorum forte obnoxius teneretur, instabat, ut imbecilliorum ita sustentaret, quatenus fortiorum sine laesione fregisset.’

⁶³¹ (Le Jan 1997, 47-61).

⁶³² (Le Jan 1997, 85).

useless if its holder lacked support within the region.⁶³³ As Susan Reynolds points out: ‘Collective judgement in conformity with good custom was clearly what was thought normal and right. There was nothing democratic about this.’⁶³⁴ A truly ‘impersonal’ justice was probably incompatible with such a locally-based system. One modern precondition for unbiased justice, for example, that judges and juries should have no connections to the parties in a case,⁶³⁵ was not feasible when counts and *missi* were chosen precisely for their local influence.⁶³⁶

Moreover, the use of personal connections and influence to benefit oneself and others was normally seen as acceptable, if not admirable, in Carolingian society. It was thus difficult to isolate the judicial system as one in which such forms of behaviour were a transgression of moral norms. This is shown by a letter of Einhard to Count Robert, in which he enquired about the progress of the case of ‘Alafrid homo noster’, and claimed that the emperor was astonished that it had not yet been completed.⁶³⁷ At one level such a letter may have seemed unproblematic, simply stressing the moral precept not to delay justice.⁶³⁸ At another level, however, it was probably intended to create in Robert the ‘fear of the powerful’ that judges were so often warned about. Putting the burden of impartiality solely on judges may have been

⁶³³ (Fouracre 1986, 38) gives the Merovingian example of Bishop Praejectus of Clermont. (Innes 2000, 138-139) describes some of the rituals used to conclude local disputes.

⁶³⁴ (Reynolds 2001, 488) Cf. (Nelson 1986, 62): ‘an aura of collective judgement may be the instrument of a powerful interested party.’

⁶³⁵ There are a number of examples where *missi* have an interest in a particular case or testify in it (see e.g. (Hannig 1984, 266-267, 280; Wormald 1999, 78-80; Brown 2001, 96-97).

⁶³⁶ Clothar II demanded that counts had to hold property in their county to make them more accountable ((Fouracre 1995, 791-792)). (Brown 2001, chapter 3) sees the unusual judicial influence and authority of Arn of Salzburg as due more to his personal prestige and ties than his offices.

⁶³⁷ Einhard, Epistola 7 (Epp. 5, p 112): ‘ille [Louis the Pious] respondit mihi: mirum sibi videri cur illa causa iam finita non fuisset.’

⁶³⁸ Far more blatant lobbying on judicial decisions is shown in e.g. some of the letters of Lupus of Ferrières about the cell of St Josse (Epistolae 32, 36, 43, 45, 58, 82, Vol I: 146-151, 158-161, 178-193, 224-229, Vol II: 66-67).

unrealistic, but it would presumably have been more difficult for kings to prevent the well-connected using their influence in such matters.⁶³⁹

3.9 MORAL POWER

Power as problem?

Much modern ethical, political and social thought stresses power as a problem, summed up in Acton's dictum: 'all power corrupts and absolute power corrupts absolutely.' Sociologists, however, have modelled power either as 'power over' (control over decisions and people, often seen negatively) or as 'power to' (effective capacity). Theologians' attitudes have varied as a result.⁶⁴⁰ A key text for Carolingian moralists was Romans 13: 1: 'Non enim potestas nisi a Deo'.⁶⁴¹ For Dhuoda, in particular, the Bible showed power, money and status as God's reward for virtue:

In truth, when the first of our fathers and ancestors cried to the Lord...we believe that they, because of their many great merits...wealthy in rich things, both in mind and body, were wholly saved.⁶⁴²

Dhuoda's ideal for William is similarly a life in which he has good things in this world and the next.⁶⁴³ If William loves God, in return, God will grant prosperity to both him and his descendants.⁶⁴⁴ In contrast, loss of wealth is one punishment of the wicked.⁶⁴⁵ Bessmertny argues that Dhuoda was distinctive in seeing riches as

⁶³⁹ Cf. (Nelson 1986, 54-55) where a claim on the villa of Perrecy seems to have been made when a claimant's kinsman became a *missus* in the area, and (Brown 1999, 36-37) where a man entered the *servitium* of Freising to help pursue an inheritance claim.

⁶⁴⁰ (Hinze 1995, 4-7).

⁶⁴¹ See e.g. LM 3-4, DIR 8, LRC 1, De regis 18.

⁶⁴² LM 4-8: 'Certe priores patrum nostrorumque praecedentium multis ob meritis dignis clamantes ad Dominum...rerum divitiis locupletes tam mente quam corpore, eos per omnia credimus esse salvatos.' Cf. LM 4-2: 'Nam patres,...in iocunditate filiorum cum rebus terrenis temporaliter fruentes exultari meruerunt'.

⁶⁴³ LM Verse inscription v 41-42, 3-1. Her particularly fervent hopes for William's prosperity may be affected by her own financial troubles (LM 10-4).

⁶⁴⁴ LM 1-7: 'Quod si feceris... [God]...tribuens tibi prospera in mundo largissime...'; LM 4-8 (quoting Psalm 111:2-3 on the God-fearing man): 'erit semen eius potens in terra. Gloria namque et divitiae in domo eius per cuncta manebit.'

⁶⁴⁵ LM 3-1: those who attack their own parents 'vix sua recuperantur aliquando propria.' LM 3-7: Haman is left 'cum omni domo sua inanis'.

unproblematic and ignoring the possibility of unjust acquisition of wealth.⁶⁴⁶ She was certainly unusually explicit in her praise of wealth, seeing striving for earthly things as a model for how one should strive after heavenly rewards.⁶⁴⁷ Yet other moralists expressed similar views. Alcuin also saw worldly riches as God-given,⁶⁴⁸ while Odo claimed that although Gerald of Aurillac was a rich man to begin with, he became even richer as a reward from God.⁶⁴⁹ The Biblical patriarchs (non-royal laymen, often wealthy and powerful) were frequently used as exemplars for kings and nobles.⁶⁵⁰

The idea of the social hierarchy as morally good is basic to much Carolingian thought. Jonas is the only one of the mirror writers to try and justify the social hierarchy;⁶⁵¹ Paulinus, Alcuin and Dhuoda see no need to explain why their addressees have (or will have) power over other men. Abbo follows the description of children being massacred before their parents' eyes in Viking raids, with the statement 'the slave is made a lord, the lord a slave'.⁶⁵² Paulinus stresses that hell destroys hierarchy: 'there is no honour of *senior* and king, nor is the master over the slave'.⁶⁵³ The repeated images of Jesus are of him as king and judge; Christ as

⁶⁴⁶ (Bessmertny 1987, 176-178). LM 4-8, however, acknowledges that the wealthy can be spiritually empty: 'Eventus est dives egestate omnino non carens. Quare? Quia anima illius in egestate vilescit.'

⁶⁴⁷ LM 2-2: 'Tu cum pulsaveris in saeculo et adquisieris, gaudebis, sicut mos est: orton te admoneo ut petitio vel adquisitio tua sit non solum hic, set etiam in futuro'. Cf. DIL 3-3 (quoting from Augustine, *De Patientia*, 7): 'cum denique pro ista temporali vita ac salute multa homines horrenda mirabiliter sufferunt, satis nos admonent quanta sufferenda sunt pro vita bona'.

⁶⁴⁸ See e.g. DVV 17: 'Sunt enim plurimi qui nullam in agris, nullam in vineis, nullam habent in saeculi divitiis portionem. Quorum inopiae de ea quam Dominus nobis dedit copia consulere debemus'; Alcuin, *Epistola* 111 to Megenfrid (Epp. 4 p 160): 'omni dignitati et gradui talenta bonae operationis [God] tradidit... Alius est, qui talentum praedicationis accipit... alius divitiarum'.

⁶⁴⁹ VG 1-28, 2-34.

⁶⁵⁰ (Nelson 1999b, 1-7).

⁶⁵¹ DIL 2-22 (quoting Gregory the Great, *Moralia in Job*, 21-15): 'omnes homines natura aequales genuit, sed variante meritorum ordine, alios aliis dispensatio occulta postponit.'

⁶⁵² Abbo I 184-185: 'Efficitur servus liber, liber quoque servus,/ Vernaque fit dominus, contra dominus quoque verna.' In honorem repeatedly shows rituals with everyone assembled 'in his order' (e.g. v 320, 789, 858-859, 939).

⁶⁵³ LE 49: 'ubi non est honor senioris et regis, nec dominus est super servum.'

suffering servant is less frequently seen.⁶⁵⁴ Dhuoda, wanting to teach William reverence in prayer, reminds him how humbly people should beg favours from powerful worldly men.⁶⁵⁵ The equal treatment of *potentes* and *pauperes* was a sign of exceptional holiness in several Carolingian *vitae*.⁶⁵⁶ There was harsh condemnation of those who sought to overturn this hierarchy: several writers comment on the ‘nobleness’ of the crushing of the Stellinga revolts.⁶⁵⁷ Although moralists stress the vagaries of worldly power,⁶⁵⁸ this sometimes seems purely conventional. Dhuoda wants William to be patient in adversity,⁶⁵⁹ but emphasises that many Biblical characters, after trials, are restored to their previous position or raised even higher.⁶⁶⁰ The same kind of ‘rebound’ factor, in which the powerful but good man can only lose his status temporarily, appears in some Carolingian hagiography.⁶⁶¹

The rich were not seen in general as responsible for the poverty of the poor.⁶⁶² Poverty for Carolingian moralists was a natural problem, not a social one.⁶⁶³ Unlike in some earlier monastic sources,⁶⁶⁴ there is rarely any suggestion in Carolingian texts

⁶⁵⁴ Paulinus, the mirror writer with most concerns about worldly power, nevertheless several times compares serving God to serving an emperor (LE 8, 9, 19).

⁶⁵⁵ LM 2-3.

⁶⁵⁶ (Bosl 1964, 73); *Vita Bonifati auctore Willibaldo* 3.

⁶⁵⁷ AX 842: ‘Ludewicus in Saxonium et servos Saxonum superbe elatos nobiliter afflixit et ad propriam naturam restituit.’ Cf. Nithard 4-4.

⁶⁵⁸ Ad episcopos 8 (quoting Pseudo-Cyprian p 45): ‘Ipse [God] enim elevat de stercore egenum, et sedere facit cum principibus populi sui: et deponit potentes de sede, et exaltat humiles’. Cf. Regino 887; LRC 3, 16.

⁶⁵⁹ LM 5-4.

⁶⁶⁰ LM 5-1, 5-6 - 5-7.

⁶⁶¹ Paschasius Radbertus’ lives of Adalard and Wala, for example, contain a series of events where the heroes renounce power or have it taken away from them, but then have it restored. See e.g. Adalard’s flight to Monte Cassino and his recall from there (VA 11-14), his exile and recall (32, 45); Wala’s testing by Charlemagne (EA 1-6).

⁶⁶² (Firey 1998, 333-334): Augustine and other late antique Latin fathers already see no responsibility by the rich for poverty.

⁶⁶³ (Goetz 1981b, 117).

⁶⁶⁴ (Newhauser 1989, 8-9).

that it is sinful for laymen to seek the return of goods wrongfully taken from them.⁶⁶⁵ There is also no exaltation of the poor and powerless, even by Hincmar, who has an unusual concern for them.⁶⁶⁶ Carolingian authors generally see the ‘lower orders’ largely as an object for action by the elite, rather than as active themselves.⁶⁶⁷ Even for Paulinus, poverty and powerlessness were undesirable states.⁶⁶⁸

Many of the terms used for describing the (lay) powerful are positive or at least neutral: *primores*, *proceres*, *optimates*, *boni homines*. Some scholars have claimed that *potentes* had purely negative connotations in the period.⁶⁶⁹ Yet although capitularies and councils often refer to the *potentes* as oppressors of the poor, the term can also be used neutrally, simply to indicate a social group.⁶⁷⁰ Gregory of Tours may have seen secular nobles largely negatively,⁶⁷¹ but few Carolingian authors shared this attitude. The Council of Pavia 845x850 was unusual both in describing the elite as generally prone to oppressing the poor and in demanding a higher moral standard from them:

But if the rich, who are accustomed to injure the poor, should not refuse to come, it should be preached to them in every way, that they should restrain from *rapinae*, so that, while they can, they may redeem their sins with alms, so that they hold themselves back from uncertainty of temporal things. Therefore the *potentes* are to be warned often to come to the greater churches, where they can hear sermons, and as much as by the grace of almighty God they exceed others in riches and other honours, by that much they should hasten more hurriedly to hearing the precepts of their Maker.⁶⁷²

⁶⁶⁵ DIL 2-23 does see this as ‘contra Evangelium’ and VG 1-25, 26 continues a hagiographic tradition by showing Gerald allowing himself to be defrauded and stolen from.

⁶⁶⁶ (Devisse 1966, 286). Hincmar saw God as judge having a particular concern to hear the complaints of the poor (p 279). Cf. Paraenesis v 935-936: ‘Ne violentus eas miseris, sed blandior esto, / Vota quibus forsan sunt meliora tuis’.

⁶⁶⁷ (Bosl 1964, 85).

⁶⁶⁸ LE 61: ‘Omne itaque genus humanum tanquam pauperem et pusillum divina Scriptura commendat Deo’; LE 63: the Devil must be renounced ‘ne pupilli et pauperes remaneamus’.

⁶⁶⁹ (Weinberger 1991, 162-169).

⁶⁷⁰ See e.g. Edictum Pistense 864 (Cap. II no 273 p 317 c 18); Council of Meaux-Paris 845-846 (Conc. 3 no 11 p 124) c 77.

⁶⁷¹ (Heinzelmann 1997, 246).

⁶⁷² Conc. 3 no 21 pp. 211-212 c 3: ‘Si autem divites, qui pauperibus iniuriam facere soliti sunt, venire non rennuerent, illis omnimodis praedicandum esset, ut a rapinis se

The sins of the powerful

Power and social status were thus not necessarily a problem for Carolingian moralists. Hincmar thought that ‘the office of domination’ could either improve or worsen men morally.⁶⁷³ The *Vita Geraldi* was specifically intended to show how a ‘laicus et potens homo’ could live a holy life.⁶⁷⁴ Nevertheless there were sins that the powerful were potentially more prone to: pride, avarice and luxury.

Pride

Bosl saw the contrast of *humilitas* and *superbia* as corresponding directly to the distinction of *pauper* and *potens*.⁶⁷⁵ *Superbia*, however, is a rather slippery concept. The *superbia* of kings and nobles in poetry and narrative sources often seems to refer primarily to military over-confidence. In *Waltharius*, for example, Attila, the all-conquering ruler, is never called *superbus*; yet Gunther repeatedly is.⁶⁷⁶ Similarly, Walter’s one slip into *superbia* is when he says that no Frank will take any of his treasure unharmed.⁶⁷⁷ Annals repeatedly describe foreign rulers who oppose the Franks as defeated due to their own ‘pride’ and ‘arrogance’.⁶⁷⁸

compescerent utque, dum possunt, elemosynis peccata sua redimerent, ut a fluxu rerum temporalium se abstinerent. Admonendi sunt igitur potentes, ut ad maiores ecclesias, ubi predicationem audire possint, sepius conveniant, et quantum dono omnipotentis dei divitiis et honoribus ceteros antecedunt, tanto ad audienda precepta conditoris sui alacrius festinent.’

⁶⁷³ Ad episcopos 8 (quoting Pseudo-Cyprian p 44): ‘Quidam namque per dominandi officium plus Deo appropinquant: quidam imposito sibi dignitatis honore deteriores fiunt.’

⁶⁷⁴ VG 1, Preface. The whole work is intended to show how various forms of secular power (military followings, the role of a judge, wealth) can be used in a saintly manner. The key (as VG 2, Preface puts it) was for powerful men ‘sicut ille, suam potentiam religione condierint’.

⁶⁷⁵ (Bosl 1964, 86-87).

⁶⁷⁶ See e.g. *Waltharius* v 468, 573, 628. Similarly In honorem never calls Zado, the Moorish leader, proud; Murman and his Bretons are repeatedly so described whenever they defy the Franks (e.g. v 1277, 1296, 1560, 1586, 1726).

⁶⁷⁷ *Waltharius* v 561-563. Walter promptly apologises for this comment and ‘cautius’, examining his foes, says that he is concerned about fighting Hagan. (There is an interesting parallel with the much-debated use of *ofermode* in *The Battle of Maldon*).

⁶⁷⁸ See e.g. ARF 810 (King Godefrid); ARF 819 (Duke Ljudovit); VK 11 (Tassilo); Regino 890 (Zwentibold). On a smaller scale, *Capitula italica* (Cap. I no 105 p 217) c 7 refers to the *superbia* of the robber killed when resisting arrest.

Other moral texts show very varied ideas of *superbia*. Alcuin produces the following definitions:

superbia...happens from contempt of the mandates of God. It also happens when the mind is raised about its good works and thinks itself better than others...*Superbia* also happens through obstinacy, when men despise obeying their seniors.⁶⁷⁹

Uana gloria is when a man strives after being praised in his good work and does not give honour to God nor attribute to divine grace whatever good he has done, but as if he has from himself either dignity of secular honours or adornment of spiritual wisdom.⁶⁸⁰

Alcuin, then, is concerned not only about pride coming from high worldly status, but also the pride of subordinates⁶⁸¹ and spiritual pride about good deeds. Jonas is very conscious of the connection of pride with high status and devotes a whole chapter to complaining about those who ‘do not recognise those whom they surpass in power and honours and riches as equals to themselves by nature’.⁶⁸² He also complains that some people show honour only to rich parents and priests, not to poor ones.⁶⁸³ Yet he emphasised that not all the powerful were proud:

Some are thought to swell with pride because of their fineness and splendour of dress; although this often may be accustomed to emanate from the fountain of pride, yet there are many who are ornamented outside with these things, and inside are powerful with humility.⁶⁸⁴

⁶⁷⁹ DVV 27: ‘superbia...fit ex contemptu mandatorum Dei. Fit etiam, quando adtollitur mens de bonis operibus et se meliorem aestimat aliis...Fit etiam per contumaciam superbia, quando dispiciunt homines senioribus obedire suis.’

⁶⁸⁰ DVV 34: ‘Uana gloria est dum homo appetit in bonis suis laudari, et non dat Deo honorem nec diuinae inputat gratiae quidquid boni facit, sed quasi ex se habeat uel saecularis dignitatem honoris, uel spiritualis decorem sapientiae.’ Cf. DIL 3-4: ‘Fit vero et in eo superbia, quando quis aut pro virtutibus, aut pro diuitiis mundi aliis meliorem se aestimat’.

⁶⁸¹ Some earlier moralists had particularly harsh words for the ‘pauper superbus’, the eighth abuse of Pseudo-Cyprian (pp. 49-51). *Regula pastoralis* 3-2 wants sharp words for the proud *pauper*, but thinks a more gentle approach may be better for reproaching the proud *dives*.

⁶⁸² DIL 2-22: ‘cito praeterlabentibus tumentes, tam eos, quibus praesunt, quam etiam eos, quos potentia et honoribus, et diuitiis praecedunt, sibi natura aequales non recognoscunt’.

⁶⁸³ DIL 2-15, 20.

⁶⁸⁴ DIL 3-4: ‘Putantur autem nonnulli propter cultum et splendorem vestium, superbia tumescere; quod dum plerumque ex fonte superbiae soleat emanare, plures tamen sunt qui exterius his ornantur, et interius humilitate pollent.’

Theodulf similarly stresses that *pauper* and *dives* are equal by nature, and that only *culpa* leads to the poor's submission: the rich should therefore be 'very gentle' to them.⁶⁸⁵ How radical a statement was intended is unclear: Paul Freedman shows how patristic writers differed on whether subordination was due to the specific sinfulness of those subjugated or a culpability common to all.⁶⁸⁶ Theodulf also gives a vivid description of the attack of the personification Pride on a judge, who claims he makes himself 'ignoble' by his good treatment of inferiors.⁶⁸⁷ (The remedy, as Humility and Wisdom show, is to remember one's death and the equality of all then).⁶⁸⁸

In contrast, Dhuoda's chapter on pride does not connect it to worldly status,⁶⁸⁹ while the *Vita Geraldi* emphasises the dangers of spiritual pride far more than material. Odo shows Gerald as extraordinarily reluctant to perform healing miracles, fearing the devil is trying to trick him into pride. He even punishes a servant who secretly uses his washing water to heal someone.⁶⁹⁰ Some degree of pride about Gerald's social status, however, seems entirely natural to Odo:

⁶⁸⁵ Paraenesis v 895-899:

'Pauperibus quicumque praees, mitissimus esto,
Teque his natura noveris esse parem.
Non hos condicio tibimet, sed culpa subegit,
Quae dedit ut homini subditus esset homo.'

⁶⁸⁶ (Freedman 1999, 79). A similar ambiguity is seen in Paraenesis, in which Theodulf suggests that the prayers of the poor may be better than those of the rich man he addresses (v 936), but then claims that they can be guilty of 'horrible sins', like all humans in this world: (v 939-940) 'Ne reputa diras, sed certa ignoscere culpas, / Quis sine in hac vita vivere nemo valet.'

⁶⁸⁷ Paraenesis v 469-474:

' "Ecce humilis plebis fieri pars una laboras
Dum pius et clemens omnibus esse cupis.
Ordo gradusque tuus levat ad sublimia temet,
Cur te sponte premis, qui loca celsa tenes?
Nam si perspicias, non hic mediocriter erras,
Cum te degenerem simplicitate facis." '

⁶⁸⁸ Paraenesis v 509-588. Cf. DVV 19: 'Nunquid non divites similiter moriuntur, sicut et pauperes?'

⁶⁸⁹ LM 4-3.

⁶⁹⁰ VG 2-10 - 2-13, 2-26.

It is a greater and more praiseworthy virtue to have had cause for being proud, and yet humbly to have repressed the summit of power. For there is no power except from God.⁶⁹¹

Avarice

Carolingian moralists often saw wealth positively, but they did stress that the rich man's attitude to his wealth had to be right.⁶⁹² Odo contrasted Gerald to the 'badly rich', who unlike him, would end in hell.⁶⁹³ The sin of avarice was seen as an important threat to the social order in the early Middle Ages.⁶⁹⁴ Hincmar in particular saw avarice as the root cause of social evils,⁶⁹⁵ and *De cavendis* (unlike other lay mirrors) discusses the distorting effects of avarice on the personality. For example, when the avaricious man has gained what he wants, he worries about losing it: 'He fears another more powerful man, lest he suffer his being violent; when he sees a poor man, he is suspected as a thief.'⁶⁹⁶

Although some authors saw avarice as a widespread sin,⁶⁹⁷ many stressed that avarice was particularly a danger for the rich man: the more he has, the more he

⁶⁹¹ VG 1-42: 'Nam si hoc obstare videtur, quod in saeculo potens fuit, considerandum est quod major et laudabilior virtus sit materiam superbiendi habuisse, et tamen potentiae culmen humiliter compressisse. Potestas enim non est nisi a Deo.' Regino 897, commenting on the Conradine-Babenberger feud, blames it on the fact that 'ultra, quam decet, se extollunt': self-exaltation was a problem only in excess.

⁶⁹² LM 5-9: 'Si divitiae affluent, noli tuum in eis supra modum flectere cor.'; Alcuin, Epistola 200 (Epp. 4 p 332) (in response to Felix of Urgel's accusation of Alcuin having 20,000 *servi*): 'ignorans, quo animo quis habeat saeculum. Aliud est habere saeculum, aliud est haberi a saeculum.'

⁶⁹³ VG 3-7: 'O quanta diversitas est inter illum, et vedios, id est male divites!...De illis dicitur, quod in puncto ad inferna descendunt.'

⁶⁹⁴ (Newhauser 1989, 2)

⁶⁹⁵ (Devisse 1966, 286-287).

⁶⁹⁶ *De cavendis* 1-2 p 138 (quoting Gregory the Great, *Moralia* in Job 15, 23): 'Formidat potiozem alterum, ne eum sustineat violentum; pauperem vero, cum conspicit, suspicatur furem.'

⁶⁹⁷ (Newhauser 1989, 21); VG 2-34: 'Tam raro quippe reperies, qui non speret esse felicitatem in pecuniis'; *Paraenesis* v 435-440: 'Sunt variae vires, amor est tamen unus habendi, / ...Tabe fatigatur hac aetas omnis et ordo, / Virgo, puer, vetulus, sexus uterque simul.'

wants.⁶⁹⁸ Numerous texts indicate that some ways of acquiring wealth were immoral.

Mirror-writers, like Paulinus, tended to be vague:

Let us scorn to make unjust alms, we who want to make spiritual and just alms, so that we may do them from just labours, not from theft, or from the multiplication of crops or from improper businesses⁶⁹⁹

Other sources, however, especially capitularies, however, are more specific in condemning abuses, particularly the misuse of public power,⁷⁰⁰ usury,⁷⁰¹ speculation in grain at times of famine⁷⁰² and the use of unequal weights and measures.⁷⁰³ Such opportunities were particularly available to the economically and socially powerful. Theodulf specifically tells the wealthy to avoid robbing the poor or making false accusations against them.⁷⁰⁴ Instead, they should forgive them their *debita*, as they hope for forgiveness from God.⁷⁰⁵

Yet *avaritia* could be a slippery idea: Alcuin, for example, defined it as ‘an excessive desire for acquiring, having or keeping riches.’⁷⁰⁶ Similarly, *Waltharius* condemns not desire for treasure itself, but only insatiable greed.⁷⁰⁷ Dhuoda shows

⁶⁹⁸ (Newhauser 1989, 18-19; Newhauser 2000, 135) give some Carolingian texts which use the metaphor of the dropsical man’s insatiable desire for water. See also LE 30, DIL 3-6. Despite Theodulf seeing the vice of avarice as common to all, he uses similar metaphors: Paraenesis v 347-352.

⁶⁹⁹ LE 53: ‘Contemnamus facere injustas eleemosynas,...ut de justis laboribus faciamus, non de rapinis, sive de multiplicatione frugum, aut de ineptis negotiis’. The reference to ‘multiplicatione frugum’ probably implies ‘usury’ in crops (see (Siems 1992, 802-804). DVV 19 also warns against ‘injusta pecuniae acquisitio’, but again is vague: ‘Pro acquisitione pecuniae falsum testimonium dicis, mentiris, rapis aliena. Juras, perjuras, quae lex vetat.’

⁷⁰⁰ See above p. 147.

⁷⁰¹ (Siems 1992, 723-). The avoidance of usury, although particularly vital for clerics ((Schmitz 1981)), was now also demanded of laymen ((Todeschini 1999, 600)).

⁷⁰² (Siems 1992, 749-752).

⁷⁰³ (Siems 1992, 481-484).

⁷⁰⁴ Paraenesis v 913-914.

⁷⁰⁵ Paraenesis v 941-944. The echoes of the Lord’s Prayer here make it difficult to be sure whether Theodulf was demanding actual debt relief or more generalised forgiveness.

⁷⁰⁶ DVV 30: ‘Auaritia est nimia diuitiarum acquirendi, habendi, uel tenendi cupiditas’. Cf. De cavendis 1-2 (p 135): ‘Et sunt mundi divites, qui sufficienter de suis habere possent, si modum cupiditati imponere voluissent.’

⁷⁰⁷ See Chapter 2, p. 79.

Dives suffering in hell, but omits all discussion of why he ended up there.⁷⁰⁸ Paulinus' *Liber exhortationis* is one of the few texts to use the story of the rich young ruler, who could not enter the kingdom of God.⁷⁰⁹ He repeatedly condemns love of wealth,⁷¹⁰ and also, unusually plundering in battle. As discussed above,⁷¹¹ Paulinus' worries may have been aroused by the specific circumstances of the Avar campaigns. He repeatedly mentions types of wealth associated with plundering, such as gold and silver, fine clothing, *armillae*, arms and horses,⁷¹² while there are relatively few mentions of the most important form of wealth, land.⁷¹³ Moreover, Paulinus' epitaph for Eric of Friuli (the dedicatee of his mirror) in 799 describes him in purely conventional terms as generous to churches and a father to the poor, with no suggestion of him despising worldly wealth.⁷¹⁴ This may simply be a reflection of the genre, but it is also possible that Paulinus' concerns about wealth were now less pressing.

⁷⁰⁸ LM 8-13. DIL 1-20 sees the story mainly as a warning against 'epulae' and 'multiloquium', though DIL 3-11 stresses the need for generosity.

⁷⁰⁹ LE 30; this is not mentioned by Jonas, Alcuin or Dhuoda. Nor do any of the lay mirrors refer to Jesus' subsequent comments (in Matthew 19:24, Mark 10:25 and Luke 18:25) about camels and eyes of needles.

⁷¹⁰ See e.g. LE 11, 13, 16, 30.

⁷¹¹ See Chapter 2, pp. 79-80.

⁷¹² See e.g. LE 11: 'Gaudet miles terrenus acquisisse honores hujus saeculi perituros, vestes pulchras, et speciosas armillas brachio circumdatas, coronam capiti impositam.'; LE 16 (on the signs of those dead to the world): 'non aurum sive armillae atque omnes hujus saeculi falsae divitiae inflammant,...non equorum crassitudo amorque invitat'.

⁷¹³ See e.g. LE 8: 'Semper ante oculos cordis pone, quod...non auri argentique congestio, non gemmarum lapilli fulgentes, non vindemiarum ubertas, non densitas segetum, non jucunditas extensa pratorum possunt animae exeunti de corpore ullum afferre praesidium'; LE 53 (the lover of the world says): 'adest mihi aurum, superabundat argentum; adsunt mihi servi et ancillae, agri et multae possessiones hujus mundi, pallia, vestes pretiosae, unde me redimere possum.'

⁷¹⁴ Paulinus, Carmen 2 (Poet. I p 131-133) stanza 5.

Luxury

Timothy Reuter saw aristocratic dominance by using social and cultural markers as increasing over time in the Middle Ages,⁷¹⁵ but the material culture of Carolingian nobles already seems distinctively superior. The warriors in *Waltharius*, unlike in later romances, are identified more by their material goods than by their courtly behaviour or fighting skills.⁷¹⁶ The will of Eberhard of Friuli and Gisela distributed gold-decorated tunics and belts to their sons.⁷¹⁷ As already discussed,⁷¹⁸ the elite had considerable superiority in weapons and horses. Food was also a key indication of status: there are hints in the sources of a hierarchy of non-meat foods for fast days, with fish at the top and cheese and vegetables lower down.⁷¹⁹ Similarly, there seems to have been a hierarchy of types of meat: Reuter suggests plausibly that part of Charlemagne's concern at his doctors ordering him to give up eating roast meat is the status marker this provided.⁷²⁰ Archaeological studies of Paderborn and Ribe show a contrast between massive consumption at the palace site (including a large number of wild animals) and the poor quality of meat eaten by traders (mainly small or old sheep and cows).⁷²¹

How did moralists react to such use of status goods? Carolingian authors, unlike patristic ones, rarely demanded that the rich should satisfy only their basic needs and then give their entire surplus to the poor.⁷²² Notker's story of an

⁷¹⁵ (Reuter 2000a, 97-98).

⁷¹⁶ See e.g. *Waltharius* v 451-467 (Hagan suspects Walter is the warrior seen with fine horse and armor and treasure); v 556-558 (Walter recognizes Hagan by his helmet). The only physical description of Walter is as a 'vir fortis' (v 454).

⁷¹⁷ (La Rocca and Provero 2000, 249-253).

⁷¹⁸ See Chapter 2, p. 42.

⁷¹⁹ This seems to be implied by Notker 1-15 (on a bishop who offers Charlemagne only cheese).

⁷²⁰ (Reuter 2000a, 90)

⁷²¹ (Loveluck 2000).

⁷²² (Mollat 1974, 39; Karayiannis and Dodd 1998, 191-194). Jonas mentions this ideal only in passing in DIL 2-19 (quoting from 'Augustine', actually Caesarius of Arles, *Sermo* 33, 3): 'ut quidquid, excepto victu mediocri et vestitu rationabili, superfuerit, non luxuriae reservetur, sed in thesauro coelesti per eleemosynam pauperum reponatur.' Hincmar also comments on

extravagant bishop tricked by Charlemagne has no secular parallels.⁷²³ Carolingian poetry glories in the rich clothes of royalty and nobles.⁷²⁴ Clothing as a status marker was specifically accepted: Louis the Pious, for example, gave presents of clothing to his courtiers in a clear order of rank.⁷²⁵

Only two Carolingian authors disapprove of luxurious clothing *per se*. Abbo sees extravagant costume as one reason for the Franks' lack of success against the Vikings. It is difficult to know, however, who the culprits are, or why this results in military failure.⁷²⁶ Paulinus also sees a love of 'precious clothes' as one of the many signs of worldliness.⁷²⁷ The rest of the lay mirrors, however, make few mentions of clothing, positively or negatively.⁷²⁸ Moralists never describe elaborate male costume as effeminate, although this is common in many other cultures.⁷²⁹

Eric Goldberg, focusing on royal costume, argues for a contrast between the 'pomp and wealth of Charles the Bald's palace and the austere militaristic ethos of Louis the German's court.'⁷³⁰ Many texts, however, show these two moral norms as held simultaneously in tension. Notker, whom Goldberg draws on heavily, condemns the inappropriate wearing of finery, such as on campaign or while hunting,⁷³¹ but

this, *De cavendis* 1-2 p 134 (quoting *Regula pastoralis* 3-20): 'Et nonnulli divites huius mundi, cum fame crucientur Christi pauperes, effusis largitatibus nutriunt histriones'.

⁷²³ Notker 1-16. DIL 2-23 quotes Augustine (*Enarrationes in Psalmos*, Psalm 102, 13) upbraiding those who give money to huntsmen, but the emphasis in the chapter as a whole is more about mistreatment of servants than misdirected generosity.

⁷²⁴ See e.g. *In honorem v* 2349-2351; *Hibernicus Exul*, *Carmen* 2, v 5 (PCR pp. 174-175).

⁷²⁵ Notker 2-21; *In honorem v* 1111 shows Pope Stephen 'famulis [of Louis the Pious] tribuit ordine dona suo.' (which include clothing).

⁷²⁶ Abbo II 600 refers only to the faults of the personification *Francia*.

⁷²⁷ LE 30, 53. In LE 44 he warns Eric about the evil man, who seems 'in habitu...clarus ac nobilis.'

⁷²⁸ Jonas several times uses 'purple' dress to indicate the rich (DIL 1-2, 1-20, 3-4), but this is a sign of status, not necessarily sin.

⁷²⁹ See e.g. (Barton 1994, 83-88; Bennett 1999, 80-81).

⁷³⁰ (Goldberg 1999, 77).

⁷³¹ Notker 2-17.

elsewhere sees luxurious costume as appropriate.⁷³² The *Vita Geraldi* says that Gerald wore old-fashioned clothes of wool or linen, and did not adorn himself especially on feast days with silk or precious garments.⁷³³ Yet Gerald's clothes were chosen 'so that they neither suggested pompous effect, nor were noticed because of their plebeian rusticity.' Gerald once caught a thief trying to steal his silk-covered cushion.⁷³⁴ Asceticism for a secular nobleman thus only seems to have gone so far.⁷³⁵

The diet of nobles also shows limited expectations about asceticism. Although Carolingian moralists disapproved of drunkenness and gluttony among laymen as well as clerics,⁷³⁶ banquets were accepted as an important part of court culture. Ermoldus Nigellus sneered at the Breton king's drunkenness, but was happy to show Louis the Pious and Pope Stephen drinking together.⁷³⁷ Several moralists explicitly accepted that nobles should eat better food than others. Alcuin saw gluttony when a man 'orders more expensive foods prepared for himself than the needs of his body or the quality of his person demands.'⁷³⁸ Jonas thought part of abstinence was not desiring

⁷³² Notker, 2-6: Byzantine envoys see Charlemagne 'radians sicut sol in orto suo, gemmis et auro conspicuus'. Cf. 2-8 where Charlemagne is 'incomparabiliter adornatus' when greeting Persian envoys, but back in Frankish costume when he hunts with them. VK 23 contrasts Charlemagne's wearing of gold and jewels on festival days with his plain dress at other times.

⁷³³ VG 1-16: 'Porro vestibus laneis, aut lineis, non isto modo quo nunc a filiis Belial praesumptum et excogitatum est, qui utique sine jugo sunt, sed antiquo more semper usus est, ita duntaxat contextis, ut nec affectata pompa redolerent, nec plebeia rusticitate notarentur. Sericinis vero vel pretiosis, nec obtentu quidem cujuslibet festivitatis, nec alicujus praesentia marchionis, plus solito se comere studuit'.

⁷³⁴ VG 1-26.

⁷³⁵ Though Odo claims Gerald refused to possess gold (VG 1-16), he says elsewhere that he wore a gold cross on his belt (VG 2-3).

⁷³⁶ See e.g. LE 37. VK 24 claims Charlemagne was particularly opposed to drunkenness, a statement which his capitularies confirm e.g. Capitulare missorum Aquisgranense primum 810 (Cap. I no 64 pp. 153) c 7: 'De ebrietate, ut primum omnium seniores semetipsos exinde vetent et eorum iuniores exemplum bonae sobrietatis ostendant.'

⁷³⁷ In honorem v 882-884, 1460-1462, 1632-1645.

⁷³⁸ DVV 28: 'aut exquisit[i]ores cibos sibi praeparare iubet, quam necessitas corporis, uel suae qualitas personae exigat'.

‘delicacies’, but desire was the key: desire of ordinary food was harmful, eating delicacies without desire was not.⁷³⁹

Elite food is a prominent (if implicit) theme in the *Vita Geraldi*. Odo explicitly shows Gerald as a moderate layman in his consumption; he and his household stay sober, he abstains from meat three times a week and on fast days, and is careful to ensure his guests are well-fed.⁷⁴⁰ Yet food miracles are frequent in Gerald’s life, all involving relatively high status food. Crossing the Alps, Gerald’s party is unable to find water; instead, they miraculously find a pool of wine.⁷⁴¹ Gerald goes to visit a reclusive priest on a fast day, who can offer him only bread and wine. Although Gerald says he is happy with this, a fish miraculously appears.⁷⁴² Most strikingly, on one feast day there is only salted meat available for Gerald’s meal, until a stag throws itself off a rock nearby. This allows a ‘delightful meal’ to be provided for Gerald, as venison is in season.⁷⁴³ Gerald could give up sex completely and almost give up warfare. His patterns of consumption, however, could seemingly not be allowed to stray too far from those of the average lay nobleman.

Good works

Moral texts stressed the importance of good works, including alms-giving and hospitality as a remedy for sin. Lay people were expected to pay the tithes that supported church charity, but did not have the same direct responsibility for the poor that rulers and the church had.⁷⁴⁴ Capitularies and councils demand specific alms-

⁷³⁹ DIL 1-10: ‘certi quod nec deliciae quaelibet, si absque desiderio percipiuntur, officiunt; et viles cibi plerumque abstinentiae profectum, si appetenter accipiuntur, impediunt.’

⁷⁴⁰ VG 1-13, 15.

⁷⁴¹ VG 2-21.

⁷⁴² VG 2-30. Miraculous fish also appear in VG 2-19, 29.

⁷⁴³ VG 2-27: ‘ministri...sicut tunc cervorum caro temporina est, delicatum edulium seniori paraverunt.’

⁷⁴⁴ For example, bishops and abbots were told to let the poor eat with them (Concilium Remense 813 (Conc. 2 no 35 p 255) c 17). No such demand was made of counts, although some texts encourage laymen to distribute food to the poor from their own table (see e.g. LM 3-11). Cf. *Episcoporum ad Hludowicum imperatorem relatio* 829 (Cap. II no 196 pp. 31-32) c 7 on the need for hospitality by bishops (following Jerome, *Commentariorum in Epistolam ad Titum*, 1, 8-9): ‘laicus, si unum aut duos aut paucos recipiat, implet hospitalitatis officium; et episcopus, nisi omnes recipiat, inhumanus ab eo scribitur.’

giving or support for the poor by the lay elite largely in times of crisis; their main responsibility then was for ‘their’ poor.⁷⁴⁵ Nevertheless, alms-giving by lay people was morally important,⁷⁴⁶ and was seen both as a cure for avarice and also a means of getting to heaven.⁷⁴⁷ Alcuin comments: ‘Just as water extinguishes fire, so alms extinguish sin.’⁷⁴⁸ Dhuoda, similarly, thought that those who have received many things, ‘because of their great merit’, should help the ‘very little’.⁷⁴⁹ Hincmar, more cautiously, complained about rich men who considered how much they gave, but not how much they had stolen.⁷⁵⁰ Jonas, similarly, quoted from Ecclesiasticus (34: 24): ‘He who offers a sacrifice from the substance of the pauper, is like him who sacrifices a son in the sight of his father.’⁷⁵¹ Jonas also stressed that a man could not simply give alms while continuing to sin, ‘as if he should be able to hire God for mercy’,⁷⁵² and that pride about charity was sinful.⁷⁵³

The moralists rarely provide specific advice on how much money should be given and to whom.⁷⁵⁴ In particular, neither the lay mirrors nor letters to nobles

⁷⁴⁵ (Verhulst 1992, 185-187). Concilium Turonense 813 (Conc. 2 no 38 p 291) c 36: ‘unusquisque omni tempore suam familiam et ad se pertinentes inopes alere ac vegetare studeat’.

⁷⁴⁶ See e.g. LM 4-9; DVV 17. Pseudo-Cyprian’s fourth abuse (pp. 38-40) was the ‘dives sine elemosyna’.

⁷⁴⁷ (Newhauser 1989, 16-17). Sometimes very serious offenders were specifically banned from having their alms received: see e.g. Concilium Rispacense 798 (Conc. 2 no 22 p 201 c 17); Instructions to diocesan clerics, Council of Tusey 860 (Conc. 4 no 3F pp. 40-41).

⁷⁴⁸ DVV 17: (following Ecclesiasticus 3: 33): ‘Sicut aqua exstinguit ignem, ita eleemosyna exstinguit peccatum.’ LM 4-8 also quotes this.

⁷⁴⁹ LM 4-9: ‘Tamen qui pro meritis magnis magna adquirunt, minimos, ut conspexerint, dignum est sublevare et adiuvari in rebus.’ Cf. LM 4-8: ‘Da ut accipias.’

⁷⁵⁰ De cavendis 1-2 p 134 (quoting Regula pastoralis 3-21).

⁷⁵¹ DIL 2-17: ‘Qui offert sacrificium ex substantia pauperis, quasi qui victimat filium in conspectu patris sui.’ LE 53 also quotes this.

⁷⁵² DIL 3-10: ‘quasi Deum mercede conducere possit’. Cf. Concilium Cabillionense 813 (Conc. 2 no 37 pp. 280-281) c 36.

⁷⁵³ DIL 3-10.

⁷⁵⁴ LM 4-8 wants William to give ‘frequens’; Thegan 19: Louis the Pious gave alms daily; VG 1-14: Gerald sets aside a ninth of his harvest to feed the poor. Statuta Rispacensia Frisingensia Salisburgensia (Conc. 2 no 24A pp. 207-208) c 4 wants alms to be given four

explicitly recommend donations to the church.⁷⁵⁵ (In contrast, there was immense moral pressure on nobles to return lands that churches claimed were rightfully theirs).⁷⁵⁶ Such direct solicitation may have been seen as too worldly,⁷⁵⁷ but it is also likely that moral texts considered the recipient of the alms as relatively insignificant.⁷⁵⁸ The key benefit of alms-giving was to the giver, not the recipient.⁷⁵⁹ Moralists also provided alternatives for those nobles who wished to hold onto their money. Several authors quoted Augustine's view that alms-giving could also include giving good advice, forgiving those who had offended you and also correcting the faults of others.⁷⁶⁰

Alms-giving by laymen was thus clearly not expected to involve excessive sacrifices.⁷⁶¹ Rich laymen stayed rich, unless they embraced monasticism.⁷⁶² Gerald of Aurillac several times declared that he wished to give away his property, and

times a year (it is not clear whether this applies to clerics only), but says that this should not be done 'invitus neque coactus...sed spontaneo iudicio'. DIL 2-15 (quoting Jerome, *Commentariorum in Mattheum*, Book 2, 15-4) demands that sons support their parents. Some of the Greek fathers do specify amounts to be given (see (Newhauser 2000, 27-28, 33)).

⁷⁵⁵ The only specific 'begging letter' I am aware of is Lupus' to King Ethelwulf (*Epistola* 84, II: 70-73).

⁷⁵⁶ (Le Jan-Hennebicque 1968, 183-195): from the mid-ninth century churchmen denounced those who had secularised church goods as sacrilegious, wolves, Judases and murderers of the poor.

⁷⁵⁷ *Capitula de causis cum episcopis et abbatibus tractandis* 811 (Cap. I no 72 p 163) c 5-7 complain about those who have left the world but still seek to increase their possessions, or who found churches in order to gain others' property.

⁷⁵⁸ See e.g. VG 1-14: 'Nullus vero unquam ab ostio sine datu eleemosynae excludebatur.' The lay mirrors do not attempt to distinguish between the deserving and undeserving poor, unlike some of the Greek fathers ((Karayiannis and Dodd 1998, 189-190)).

⁷⁵⁹ In the same way, the main injury in oppressing the poor was to the oppressor's own soul. DVV 21: 'Magis dolendi sunt qui opprimunt pauperes, quam qui patiuntur injuriam. Illi enim qui opprimuntur, temporalem miseriam cito finiunt: illi vero qui opprimunt eos per injustitiam, aeternis flammis deputabuntur.'; *Paraenesis* v 927-928: 'Flebilior sed iniqua gerens, qui sustinet illo est, / Hic quod agendo perit, ille ferendo viget.'

⁷⁶⁰ DIL 3-10; LM 4-8; DVV 17 (following Augustine, *Enchiridion*, 19, 72).

⁷⁶¹ (Newhauser 1989, 19): 'the fact of possession by individuals in Christian society had been legitimized in the literature of penance by the Carolingian period.'

⁷⁶² VB 1: Benedict of Aniane contemplated becoming a shepherd or a shoemaker, before deciding to become a monk.

become a beggar, but was ‘unable’ to do so, because of the lack of good monks to whom to give his wealth.⁷⁶³ Both Jonas and Dhuoda referred to the apostolic ideal of common property as (potentially) applicable to the secular world as well as monasticism.⁷⁶⁴ However, their quotations from Acts omit one of the key details: that those who owned property sold it to fund the community.⁷⁶⁵ Moralists’ reluctance to demand sacrificial giving may have corresponded to social realities. Capitularies show a tension between generosity in alms-giving and the expectations of heirs and dependants.⁷⁶⁶ Social norms seemingly made large charitable gifts of moveable wealth problematic.⁷⁶⁷ Donations simply to the ‘poor’ tend to be rare in early medieval wills, although they are commonly recorded in narrative sources.⁷⁶⁸ Instead, there were more targeted and limited donations.⁷⁶⁹

Similar pragmatic limitations are also visible in the moral norms surrounding hospitality by laymen. The Programmatic Capitulary of 802, for example, wanted the ‘rich, poor, and pilgrims’ to be given ‘shelter, fire and water’; giving anything else was optional, although applauded.⁷⁷⁰ Other capitularies show similar restrictions on what those travelling might take or demand.⁷⁷¹ Jonas complained about would-be

⁷⁶³ VG 2-2, 2-8.

⁷⁶⁴ DIL 1-20, LM 3-10.

⁷⁶⁵ Acts 4: 34-35.

⁷⁶⁶ *Capitulare ecclesiasticum* 818-819 (Cap. I no 138 p 277) c 7: no cleric is to receive goods from persons whose children or relatives are disinherited without their consent; *Capitula legibus addenda* 818-819 (Cap. I no 139 p 282) c 6: every free man has the power to give his goods for the sake of his soul, either to a ‘*venerabilis locus*’, to a ‘*propinquus*’ or someone else.

⁷⁶⁷ (Reuter 2000b, 23-24).

⁷⁶⁸ (Reuter 2000b, 22). (Boshof 1976, 332, 338): there are few private gifts visible to *hospitalia* or *xenedochia*, and the Synod of Pavia 850 complained that donations in wills to them are being disregarded by heirs.

⁷⁶⁹ See e.g. VG 3-4: ‘*Praedia vel mancipia, quae beato Petro non delegaverat, inter quosdam propinquos ac milites, vel certe servitoribus dimisit.*’ Cf. (Kasten 1990, 247-261; Innes 1997, 837-838).

⁷⁷⁰ Cap. I no 33 p 96 c 27: ‘*Precipimus ut in omni regno nostro neque divitibus neque pauperibus neque peregrinis nemo hospitium denegare audeat, id est...tectum et focum et aquam illi nemo deneget.*’

⁷⁷¹ (Siems 1992, 470-471).

hosts who haggled and demanded money about such matters as fires.⁷⁷² The main emphasis by moralists was on the theological justification for hospitality, that Christ was received in the stranger. The key text used was Matthew 25: 31-46, in which Jesus promised eternal life to those who showed charity to others.⁷⁷³ As Jonas pointed out, however, this text promised rewards even for those who only gave a cup of cold water.⁷⁷⁴

Apart from alms-giving and hospitality, the lay mirrors say little else specific on the need for good deeds by nobles.⁷⁷⁵ Jonas does tell the rich that they should visit all the sick, poor as well as rich, but their role is not only to help the poor materially, but also to remind them that their sickness is a punishment from God.⁷⁷⁶ Carolingian monastic saints are shown in menial roles, such as gardening or cleaning shoes,⁷⁷⁷ but although Gerald of Aurillac allowed the poor to eat in his sight,⁷⁷⁸ Odo says nothing about any personal service by him to the poor, such as washing their feet. No Carolingian king or lay nobleman is shown as voluntarily carrying out such symbolic gestures of service, although this is common in later royal ritual.⁷⁷⁹

Overall, although Carolingian moralists generally saw power positively, they were divided about whether powerful laymen were more prone to sin. Some saw the

⁷⁷² DIL 2-29: 'Sed neque advenientes hospitio carentes, in domos suas aliter recipiunt, nisi prius pari conventionem statuatur, quid pro solo, quid pro singulis vasis, quid pro igne accenso, et caeteris innumeris rebus, quibus uti fuerint, dare debeant.'

⁷⁷³ This is referred to in e.g. LE 66; LM 4-9.

⁷⁷⁴ DIL 2-29: 'Nemo quidem paupertatem obtendat, dicendo: Non possum hospites suscipere, quoniam non habeo unde illis necessaria ministrem: quia Dominus Jesus Christus ut hanc occasionem tolleretur, etiam de calice aquae frigidae sitiienti porrecto se mercedem pollicitus est redditurum.'

⁷⁷⁵ LM 3-11 and 10-2 (stanza 9) specify that William should eat with and shelter pilgrims, and should let priests feed the poor from his table, while LM 3-10 says William should offer to all, high and low 'servitium et honorem non solum verbis sed et factis'.

⁷⁷⁶ DIL 3-14. Jonas also argues (DIL 3-14, 3-15) that the poor should be allowed to visit sick rich men and that the rich should help bury the poor and attend their funerals

⁷⁷⁷ VA 9; VB 2.

⁷⁷⁸ VG 1-14.

⁷⁷⁹ EA 1-6 shows Wala doing menial tasks, but only because Charlemagne is deliberately humiliating him.

powerful and rich as particularly prone to pride and avarice, but other stressed forms of these sins not restricted to the elite. Even when moralists did see such sins as a particular problem for lay noblemen, however, the solutions suggested were relatively painless. Powerful laymen need not give up their power or money, but simply adjust their attitudes to their position and their inferiors.

3.10 MORAL NOBILITY

Michelle Salzman has shown how late antique western bishops adapted Christian discourses on nobility to make them more acceptable to elite would-be converts. Traditional aristocratic *nobilitas* was incorporated into Christian *nobilitas*; although writers claimed that Christian nobility came from faith, in practice they used the term only of those already noble in secular terms. Writers like Jerome and Ambrose enthusiastically propagated the idea of ‘noble by birth but nobler by religion’, while very few authors suggested that Christian *nobilitas* was available to all, regardless of social rank.⁷⁸⁰ This fusion of traditional and Christian views of nobility is still visible in Carolingian hagiography,⁷⁸¹ but almost always in a monastic and clerical context.⁷⁸² Following earlier studies,⁷⁸³ I want to examine the use of the word *nobilis* in the sources, but focusing on how the term is used about non-royal laymen.

Carolingian epic poetry uses the term relatively infrequently, despite being full of the exploits of elite men. In Abbo’s poem on the siege of Paris, Odo, the future king, is the only layman described as behaving nobly.⁷⁸⁴ The term is rarely used in

⁷⁸⁰ (Salzman 2000, 358-360).

⁷⁸¹ See e.g. (Poulin 1975, 45-48; Goetz 1983, 185-187). There is little evidence from the Carolingian period for ‘noble self-sanctification’, attempts by noble families to obtain religious and political prestige from association with saints. Its significance even for the Merovingian period is debated: see e.g. (Prinz 1975; Zotz 1977, 18; Ruggini 1992).

⁷⁸² One exception is VG 1-1: ‘Carnis nobilitate tam excellenter illustris, ut inter Gallicanas familias ejus prosapia, tam rebus, quam probitate morum, generosior videretur. Fertur enim quod parentes illius modestiam atque religionem veluti quadam haereditaria dote sibi tenuerint.’

⁷⁸³ (Goetz 1983; Nelson 2000).

⁷⁸⁴ Abbo’s use of *nobilis* describing people: Odo (I 246, II 30, 616); Abbot Ebolus (II 205); Abbot Anschericus (II 336, 488); nobleman healed by St Germanus (II 126); multitude of nobles killed in epidemic (II 156).

Waltharius or by Ermoldus Nigellus.⁷⁸⁵ It is more common in epitaphs, but there are surprising exceptions, such as the epitaphs of Eggihard and Gerald, Charlemagne's brother-in-law.⁷⁸⁶ Sedulius calls Eberhard noble in his poems and once links this explicitly to noble morals, but this is far less frequent than his references to the nobility (in all senses) of royalty.⁷⁸⁷

There are marked differences between the authors of narrative works. The term could be used simply to denote social status, with seemingly no moral overtones: both the Royal Frankish Annals and the Astronomer refer to *nobiles* who are involved in conspiracies.⁷⁸⁸ Thegan is obsessed with nobility, but it seems essentially a matter of birth to him, not behaviour. People, to Thegan, are noble, they do not act nobly.⁷⁸⁹ The Astronomer focuses mainly on the noble behaviour of royalty.⁷⁹⁰ In contrast, Nithard emphasises the noble behaviour not only of kings, but also laymen; nobility here is an active quality.⁷⁹¹ The only other references to such 'noble behaviour' by non-royal laymen are considerably later, such as Regino of Prüm.⁷⁹²

⁷⁸⁵ *Waltharius* v 27 (Hagan) and v 37 (Hiltgund); *In honorem* v 1262 (Lambert, count of Nantes) and v 1650-1651 ('nobilis fama' of Breton ancestors). The only uses in *Karolus Magnus et Leo Papa* are for a band of nobles (v 158) and Charlemagne's 'nobile...caput' (v 171).

⁷⁸⁶ These poems use other phrases showing high birth, without the same moral connotations: *Poet. I* p 109 v 3: 'inclita stirpe satus'; *Poet. I* p 114 v 1: 'magni...membra Geroldi'.

⁷⁸⁷ Sedulius, *Carmen* II-38 (*Poet. III* p 202) v 17, 23 talks of Eberhard's son's 'inclita nobilitas' and tell him to begin 'nobiliter praeclaros discere mores', but has nothing to compare to the rhetoric of *Carmen* II-78 (p 228) v 5-8, 23-24 to Bertha, daughter of Lothar I and Ermengard: 'Nobilis illa fuit mater rectrixque beata, / Nobilis in genere, nobilis atque fide, / Nobilis in sanctis rutilabat moribus illa, / Nobilis in sensu proloquioque pio;...Cuius nobilitas in vobis, optima Berta, / Claret in exemplis, moribus atque bonis'.

⁷⁸⁸ ARF 801 (Roman nobles), 817 (the rebellions of 785 and 817 included many nobles). (There are only 3 other uses of the term in the text of ARF: 794 on Charles the Younger, 819 on Louis' inspection of daughters of the nobility and 824 when the 'pars nobilium' wins the papal election). Astronomer 6: Louis and Pippin were concerned about 'pluresque nobilium huius sceleris [Pippin the Hunchback's rebellion] conscios atque inretitos et pessumdatos'.

⁷⁸⁹ Hildegard, Ermengard and Judith are all of 'nobilissimus' descent (Thegan 2, 4, 26) and Duke Gebhard is also 'nobilissimus' (47). Otherwise Thegan's comments on nobles are limited to how they are oppressed by Ebbo and the like (20, 50). Thegan has a clear idea of how such 'servi' behave, but it is difficult to deduce his ideas about noble behaviour. Is Ebbo's fault that he distorts or ignores 'noble' behaviour or simply usurps it?

⁷⁹⁰ See e.g. Astronomer 2 (Charlemagne crossing the Alps), 64 (Drogo burying Louis).

⁷⁹¹ (Nelson 2000, 50-51); Nithard 2-4, 3-6.

There is a similar split in the lay mirrors' use of *nobilis*. The term is used relatively little by Paulinus, Jonas and Alcuin and they normally keep its secular and Christian meanings distinct. Secular nobility is an accepted fact: Jonas sees incestuous marriage as 'denobling' the partners.⁷⁹³ Yet it is not always seen positively: Jonas also complains about 'some powerful men and certain noble matrons' who neglect the spiritual welfare of their subordinates.⁷⁹⁴ Moral nobility in contrast, is often seen as intrinsic to all humans. Paulinus comments: 'Let us preserve the nobility of his [Jesus's] image in us'⁷⁹⁵ while Jonas sees 'ignobility' resulting for all from the fall of Adam.⁷⁹⁶ Social status is rarely seen as specifically linked to moral nobility,⁷⁹⁷ despite frequent borrowing from patristic sources. Alcuin, in letters to kings, monks and women, links noble birth and noble behaviour, but not in those to noble laymen.⁷⁹⁸

⁷⁹² Regino 869: the 'virtus ac nobilitas totius regni' seemed to have perished in Italy; Regino 874: the Breton *dux* Vurfand declares when facing a dangerous battle 'Melius nobiliter mori, quam ignominia vitam servare'. Regino says of him: 'Erat hic Vurfandus genere inter suos clarus sed virtutum experimentis nobilitate clarior.' AF(B) 900: the leading Bavarians and Count Liutpold fought the Huns: 'prelio nobiliter dimicatum est, sed nobilius triumphatum.'

⁷⁹³ DIL 2-8: 'Ut quid igitur appetitur tale conjugium, ubi et culpa innuitur, et mundanae dignitatis nobilitas infamiae denotatur? Denotatur dico, quia qui tali conjugio innectitur, denobilitatur'.

⁷⁹⁴ DIL 2-16: 'sunt...nonnulli potentes, et quaedam nobiles matronae, qui ab eis [their *subjecti*] quaestum tantum terrenum avare exigunt, et salvationem animarum illorum aut dissimulant, aut certe penitus parvipendunt.'

⁷⁹⁵ LE 8: 'et nobilitatem imaginis illius in nobis servemus.'

⁷⁹⁶ DIL 1-1: 'Ecce qualem haereditatem idem parens noster...nobis dimisit...pro gloria ignobilitatem'.

⁷⁹⁷ One exception is Paulinus' comment to Eric in LE 4: 'et animi tui nobilitatem, quam in te optime scio, nullis amicorum consiliis, nulla saecularium ambitione desideriorum, ab amore Christi immutari permittas.'

⁷⁹⁸ See e.g. Alcuin, Epistolae 30 (Ethelred), 119 (Pippin the Younger), 123 (Coenwulf) 217 (Charles the Younger) (Epp. 4 pp. 71, 174, 180-181, 361) In Epistola 241 to Gundrada (p 386) he says: 'Esto ceteris in palatio virginibus totius bonitatis exempla...Sint nobiles in moribus, sicut sunt nobiles ex parentibus.' In contrast, when he addresses the former *patricius* of Mercia in Epistola 122 (p 180), he wants him to be an 'exemplum...morum nobilitatis', but makes no reference to his social nobility. In Epistola 129 (p. 191), however, to the 'nobilissimus gens...Cantuariorum', he encourages both clerics and laymen by the moral example of their ancestors.

Dhuoda, however, uses the idea of nobility more frequently, and addresses William as ‘noble boy’ in passages of particular moral fervour.⁷⁹⁹ She also explicitly links status with morality, warning William: ‘What use, my son, in noble blood if his body is corrupted by injustice, descending into corruption so that it may mourn forever?’⁸⁰⁰ Court life, in contrast, provides a chance to learn from great men: ‘the example of greater lords and the best leaders ought to be followed by great men and the smallest’.⁸⁰¹

Thus Dhuoda and Nithard, both noble laypeople, seem to have a clear sense of the intrinsic moral nobility of great laymen, unlike most clerical authors in the same genres.⁸⁰²

3.11 POWER, MASCULINITY AND NOBILITY

Power in eighth and ninth century Frankish society was largely, but not totally gendered. Women were deliberately excluded from some forms of power, particularly from participation in ‘public’ fora such as assemblies.⁸⁰³ Yet they had an important and active role in such aspects of power as managing households, owning and donating land, and strengthening kin and friendship networks. The fact that power could transcend gender is seen in naming practices and genealogies. Moral texts rarely state explicitly that power (other than within marriage) had to be exercised by men rather than women. This is simply assumed: a silence that may itself have been an effective exclusionary tactic. However, it meant that powerful women were not

⁷⁹⁹ (Nelson 2000, 47-50).

⁸⁰⁰ LM 4-8: ‘Quae utilitas, fili, in sanguine nobili, si propter iniustitias corpus corrumpatur suum, descendens ad corruptionem ut lugeat semper?’

⁸⁰¹ LM 3-10: ‘maiorum seniorumque atque optimatum ducum cum minimis exempla sequi debere magnatis’. Cf. 3-9, where William is told: ‘Exempla dignitatum illorum [‘optimates ducum’ and those who are ‘fulgentes in aula’] perquire humiliter, et tene firmissime.’ In contrast, although Dhuoda stresses that merit is not linked to the social order (3-10), she sees the example of lesser men useful mainly as showing mutual love.

⁸⁰² (Innes 2000, 83) thus seems to me wrong in saying that there was no identity that opposed aristocrats to non-aristocrats. In particular, although he notes that Thegan 20 in his condemnation of Ebbo draws upon the distinction of free and unfree, he does not observe that Walahfrid Strabo in his chapter heading specifically refers to the behaviour of the ‘ignobiles’.

⁸⁰³ (Nelson 1999b, 10).

intrinsically problematic,⁸⁰⁴ and were even allowed to exercise control over free men in some cases, such as having their own *homines*.⁸⁰⁵ Such women, however, had to stick to well-defined roles,⁸⁰⁶ and moralists objected if they intruded into certain spheres of power,⁸⁰⁷ or if they disrupted domestic hierarchy by wrongful influence.⁸⁰⁸

There does not seem to have been a specific discourse linking masculinity to domination of self and others, as in classical culture.⁸⁰⁹ Low status and lack of power did not damage a man's masculinity. The few terms for subordinates that imply their lack of adult maleness, such as *pueri*, were also used jokingly by those of relatively high status.⁸¹⁰ The (male and female) *pauperes* were frequently linked with widows and orphans in capitularies as needing protection. Yet the terms used of them, (*pauperes*, and *minus potentes* are common, *impotentes* is rarely used)⁸¹¹ do not suggest a loss of masculine domination as their defining characteristic. Almost all laymen were theoretically entitled to at least one form of power, the control of their wives and children; unlike in other cultures, even *servi* were allowed legitimate families. At the other end of the scale, masculine power (apart from that of the slave owner), was not strongly linked to sexual exploitation; abuse of lower class women is not highlighted as a crime of the *potentes*.⁸¹² Texts show both the exercise of power,⁸¹³ and obedience⁸¹⁴ as (praiseworthy) 'manly' behaviour.

⁸⁰⁴ (Nelson 1993) shows some of the political roles of royal women.

⁸⁰⁵ See above p 104.

⁸⁰⁶ (Nelson 1998a, 188-191) shows worries about the daughters of Charlemagne, royal women who were not queens.

⁸⁰⁷ Regino 900 reports the magnates' opposition to Zwentibold 'quia cum mulieribus et ignobilioribus regni negotia disponens honestiores et nobiliores quosque deiciebat et honoribus et dignitatibus expoliabat.'

⁸⁰⁸ (Ward 1990, 20-23) shows that Agobard attacks Judith not for her feminine authority as queen, but her unfitness for the role, while Paschasius complains about her ruling Louis.

⁸⁰⁹ See e.g. (Foucault 1986, 84-95).

⁸¹⁰ (Bullough 1984, 91).

⁸¹¹ One exception is *Capitulare ecclesiasticum Caroli Magni* (Mordek and Schmitz 1987, 413) c 41, which demands justice for 'pauperes, inpotentes, pupilli et vidue'.

⁸¹² (Wemple 1981, chapters 4-5) concentrates on male nobles' oppression of aristocratic women, not peasants. The one reference I know of to young noblemen pursuing peasant women is VG 1-9.

The late antique Roman emperors attempted to create alternative groups of office-holders to replace or counter-balance the hereditary upper classes.⁸¹⁵ There is little evidence, however, of Carolingian rulers trying systematically to provide alternatives to (male) noble power and its near monopoly of office.⁸¹⁶ Perhaps as a result, there were few attempts to justify the social hierarchy. The various forms of power are implicitly (and occasionally explicitly) seen as natural, or God-given.⁸¹⁷ The oppression of *nobiles* was a particular sign of extreme wickedness.⁸¹⁸ Nobility itself appears to have existed forever: there is no mythology of how nobles as a group came into being,⁸¹⁹ and very little sense that any non-noble could become one.⁸²⁰ Indeed in some hagiography, such as the *vitae* of Adalard and Gerald of Aurillac power seems inescapable for a nobleman. This social hierarchy was simply to be accepted by those lower down. As the Council of Pavia in 845x850 put it,

⁸¹³ See e.g. Regino 888: 'Interea Galliarum populi in unum congregati, cum consensu Arnolphi Odonem ducem, filium Rotberti,...viri strenuum,... regem super se pari consilio et voluntate creant; qui rempublicam viriliter rexit'.

⁸¹⁴ See e.g. Alcuin, Epistola 111 (Epp. 4 p 161) to Charlemagne's treasurer Megenfrid: 'Et tu, fidelissime dispensator thesaurorum et servator consiliorum et adiutor devotus, viriliter fac voluntatem illis.'; John VIII, Epistola 77 (Epp. 7 pp. 74) [to Neapolitans in 878, praising them for choosing Athanasius as bishop]: 'state viriliter obedientes illi in omnibus, velut filii carissimi.'

⁸¹⁵ On the Byzantine use of eunuchs see (Ringrose 2003, 5-28).

⁸¹⁶ (Nelson 1993, 58-59): Charlemagne may have used his daughters in a somewhat similar political role to eunuchs (although they did not hold office). Notker 1-3, 2-2 and 2-4 are the only passages I am aware of suggesting the possibility of advancement into high secular or clerical office for the lower orders.

⁸¹⁷ Wulfad of Bourges, Epistola 27 (Epp. 6 p 191) demands that the 'pauperes et minus potentes' are faithful to their 'domini', 'scientes, quia et ipsi super vos a Deo ordinati sunt'.

⁸¹⁸ See e.g. the complaint of Western Frankish bishops to Nominoe in 850 (Conc. 3 no 20 p 204) about: 'afflictiones nobilium et ignobilium, divitum et pauperum, viduarum et orfanorum, quos damnabili cupiditate et horribili crudelitate vexasti'; EA 2-7 on the sufferings under Bernard: 'optimi quique virorum, amplissimi et nobiles atque dignissimi, jam auctoritatem agendi omiserant.'

⁸¹⁹ Such myths are visible in other periods see e.g. (Freedman 1988; Reuter 1997, 193-194).

⁸²⁰ This contrasts with the clear possibility of becoming *nobilis* in the Roman republic ((Gelzer 1969, 32-33).) Charles the Bald in a letter to Nicholas I (Conc. 4 no 24B p 239) does refer to Ebbo as 'libertate donatus, ad nobilitatem vehementis ingenii in sacris ordinibus gradatim promotus.'

complaining about the fact that some *potentes ac nobiles laici* rarely went to the main churches: ‘When only the afflicted and poor come, what other preaching can there be than that they should bear evils patiently?’⁸²¹

In particular, Carolingian moralists rarely made a strong connection between virtue and lay power.⁸²² Rich and powerful men were shown as facing specific temptations that others did not, but there was little sense that these were particularly hard to overcome: references to camels and eyes of needles are conspicuously absent.⁸²³ The rich and noble layman Gerald made an unusual saint, but the powerful and rich could get to heaven, if they showed some moderation. Powerful laymen were rarely told to set a good moral example to society as a whole, nor were the oppressive actions of some *potentes* seen as dishonouring the whole ‘class’ or *ordo*. Few authors saw noble birth as negated by evil behaviour.

Moralists demanded that lay officials were chosen from the virtuous, but implicitly or explicitly this referred to the virtuous of some social standing. Those in official positions who misused their office were threatened with royal punishment: it was rarely claimed that God himself would punish them in this world (unlike the threat to kings). The unjust judge and the evil count were not the contradiction in terms that the *rex impius* was. Where tentative attempts to link virtue and nobility or power are visible in the period, such as in new uses of the term *nobilis* or in the claim that counts held office by the grace of God, these seem to have come from lay nobles themselves, rather than clerical moralists.

Yet although the powerful were not explicitly seen as more virtuous, they were expected to set a good moral example to their direct subordinates (such as their households or *ministri*). The emphasis on social hierarchy also led to a moral asymmetry in most power relations. Moralists’ views on such relationships can be summed up as expecting the humility, fidelity and obedience of subordinates and the

⁸²¹ Conc. 3 no 21 p 211 c 3: ‘Et dum soli afflicti et pauperes veniunt, quid aliud, quam ut pacienter mala ferant, illis predicandum est?’

⁸²² In contrast, (Brown 2000, 337) sees ‘the relation between power and merit’ as a key concern of both Gregory of Tours and Gregory the Great.

⁸²³ See above p 176.

justice, generosity and discipline (tempered with mercy) of their superiors.⁸²⁴ Such ideals were applied as a model for any relationship from God and man downwards. The emphasis was firmly on the duty of subordinates; the relationship was far from the mutual 'Treue' lauded by some German scholars.⁸²⁵

Even moralists who stressed the natural equality or brotherhood of all did not want the social hierarchy disturbed, but merely maintained with a little more humanity.⁸²⁶ There was little moral concern about the lowest social groups, such as slaves. For subordinates of higher status (such as the free men of lords, sons, and benefice and office holders) there are extra demands made of superiors, but these remain largely negative: that they should not deny justice to their subordinates or treat them unfairly. The superior was rarely expected to show unrestricted 'love' to his subordinates; indeed this was seen as dangerous. The Biblical warning of the fate of Eli⁸²⁷ was seen as applicable not just to fathers, but to all superiors.⁸²⁸ Demands for mutual love (separate from a disciplinary function) are reserved largely for relationships between assumed equals: kin or royal officials. The general moral attitude is that shown in Paulinus in his 'prayer of the soul': 'Make me...to offer obedience to my seniors and charity to my equals: to show the grace of suitable love to my juniors.'⁸²⁹

⁸²⁴ See e.g. Alcuin, *Epistola* 184 to Arn (Epp. 4 no 184 p 310): 'Unicuique secundum suae conditionis vel personae modum hortamentaingere: potestatibus et iudicibus iustitiam et misericordiam; iunioribus oboedientiam humilitatem et fidem in senioribus'.

⁸²⁵ See e.g. (Schlesinger 1963, 38-39).

⁸²⁶ (Anton 1968, 365-369) and (Nelson 2001, 30-31) list the main statements made on this.

⁸²⁷ 1 Samuel 2: 12-36.

⁸²⁸ See e.g. DIL 2-14; LM 4-8; Concilium Parisiense 829 (Conc. 2 no 50 p 628) c 25.

⁸²⁹ LE 66: 'Fac me...senioribus obedientiam, et charitatem aequalibus offerre: gratiam opportunaedilectionis junioribus ostendere.' cf LM 3-10: 'Magnos ut sublimes, aequales ut altos, consimiles praepone'. DIL 3-2, in contrast (adapting Caesarius of Arles, *Sermo* 233, 6 and *Sermo* 235, 6) states: 'Et humiles ergo simus, fratres charissimi, non solum senioribus, sed etiam coequalibus, et junioribus nostris.'

3.12 CONCLUSIONS

Power in the Carolingian world came far less from a formal legal framework than networks of personal relationships.⁸³⁰ The social ethics implicitly required are not necessarily reflected in moral texts. For example, nobles could not simply dominate their local regions unquestionably,⁸³¹ yet Dhuoda is the only mirror writer to provide a guide on how to ‘win friends and influence people’, and she deals only with behaviour at court.⁸³²

Carolingian writers have sometimes been seen as having only very limited theories on power and its uses. Johannes Fried complains about a lack of systematic analysis of power in the period. He and other scholars claim in particular that there was little concept of ‘public’ power, independent of the individual personality of the ruler or official.⁸³³ Althoff, noticing the lack of definition as to how relatives, friends or lords and *vassi* ought to behave, puts this down to an assumed social consensus on such matters.⁸³⁴

Fried’s views on public power have already been challenged both by analyses of thought on kingship in the ninth century,⁸³⁵ and by studies of the use of such terms as *res publica*.⁸³⁶ This study confirms that an idea of ‘impersonal’ power and office existed in the period, as shown by the moral demands made about counts and judges. Beyond the general need for such men to be ‘God-fearing’, they are exhorted solely about their performance of their duties: their own *conversatio* is irrelevant. Similarly, they are to make their decisions impersonally, unaffected by bribes, ‘hate’, ‘love’ or other ‘personal’ considerations. This language of impartiality is used about secular

⁸³⁰ (Wickham 1997, 198) sees 800, not 1000 as the ‘turning-point for the establishment of local aristocratic dominance’, but contrasts the informal local practices then with the increasingly formal practices that developed subsequently.

⁸³¹ (Innes 2000, 232)

⁸³² This may reflect the realities of William’s situation. As indicated above (section 6 of this chapter) land was the main tool for creating and influencing local relationships: if William did not himself currently control any land, his actions were probably limited.

⁸³³ (Fried 1982, 6-) Cf. (Althoff 1997a).

⁸³⁴ (Althoff 1990b, 11-12).

⁸³⁵ See e.g. (Nelson 1994).

⁸³⁶ (Sassier 1988; Depreux 1992).

officials, particularly judges, far more often than about clerics.⁸³⁷ As intellectual concepts and moral norms, such ideas clearly had an impact.⁸³⁸

Different power relationships are given very varied emphasis in moral texts. Carolingian sources have a lot to say about some relationships, such as father and son, count and *pagenses*, *potens* and *pauper*, and king and royal benefice holder, while saying far less about others, such as between master and slaves, lords and men, and more distant relatives. This cannot simply be due to a lack of sources: the Bible alone provided exemplars of behaviour of everyone from slaves to high royal officials. There were also other texts available: several late antique works on the treatment of the *familia* were known and copied in the Carolingian period.⁸³⁹

In some cases, the limited coverage may be due to a lack of interest in those of low social status, such as slaves or tenants. However, Althoff's suggestion that lack of discussion was a sign of consensus is difficult to maintain. If there was a moral consensus on how one treated kin, for example, why was a need felt to spell out the specific demands of father-son relationships? The relative lack of discussion of the norms of (wider) kinship and (non-royal) lordship may instead indicate that these forms of power did not have as crucial a role in Carolingian society as is sometimes claimed.

Fried is, however, right to say there is no systematic discussion of power. The pervasive vagueness of much of Carolingian moralising on the topic is also noticeable. This is true not just of normative sources, such as the mirrors and capitularies (which do provide detailed sexual norms), but also of narrative sources and poetry (which contain important models for behaviour in warfare). The ethics of power boil down to the continued repetition of a few key themes. The vocabulary

⁸³⁷ Relatively few texts refer to the need for ecclesiastics not to be influenced by friends, relatives and bribes: Capitulare Olonnense 822x823 (Cap. I no 157 p 316) c 1 (on grants of church property); Concilium Parisiense 829 (Conc. 2 no 50 pp. 623, 633) c 16 (on selling church goods), c 32 (on giving penance); Pavia 845x850 (Conc. 3 no 21 p 212) c 4 (on decisions about ordination); Instructions to diocesan clerics, Council of Tusey 860 (Conc. 4 no 3F p 41) (on excommunication of offenders); Wulfad of Bourges (Epp. 6 pp. 188-189) (on pointing out sins). This contrasts with repeated references in official texts on the need for judges to avoid corruption.

⁸³⁸ Such distinctions also suggest that it is not particularly helpful to see all power relations as simply expressions of 'lordship', as some scholars (e.g. (Schlesinger 1953; Fried 1982, 16-18) have done.

⁸³⁹ (Cooper 2002).

used reflects this: terms such as *dominus*, *senior*, *pauper* or *fidelitas* are often detached from any specific social reality. Explicit moral norms on the use of power by laymen also developed relatively slowly, as compared to those about royal power. There were some new or newly emphasised themes, such as concerns about the oppression of *pauperes* by *potentes*, theories about secular office-holding as *ministerium* and explicit references to the need for *consensus* and counsel-giving. However some of the most radical changes in the structures of power (such as the vast increase in land-owning by churches or the rise of the *vassus*) are rarely reflected in the moral sources.

One possible reason for the bland generalisation of most discussions of lay power may have been the implication of the church in similar power structures. Were church leaders really in a position to moralise too specifically about such matters as the treatment of slaves, the need for justice or the dangers of wealth? Yet it seems to me wrong to assume that the church was the only active definer of moral norms about such matters. Kings and their advisors developed theories of royal power, only for these to be taken over and used by others. Similarly, there are hints of several different moral agendas in discussions of lay noble power. Carolingian kings were clearly trying to reshape power relations by channelling local power into official structures. Churchmen appreciated lay nobles' support, but also saw them as potential threats to social order and their own property. Lay nobles seem to have been developing independently their own views on the moral nobility of laymen, their role in counsel-giving and God-given rights to office. There may also have been differing views within these groups: Dhuoda and Nithard had contrasting views on the balance of duties towards relatives and the *res publica*.

In these circumstances, the resort to moral generalities on power may have been deliberate. Consensus between different elite groups on many moral norms may not have been pre-existing, as Althoff suggests, but instead needed to be created, or at least restated in unthreatening terms. In a political system where the normal aim was to incorporate everyone who 'mattered' within a well-ordered whole, excessively pointed moral comments about any form or use of power may have been seen as unhelpful. The lack of an explicitly defined ordering of 'lordships' and the failure to lay down general moral principles on power may not be a sign of the incapacity of

Carolingian political thought, as Fried argues,⁸⁴⁰ but instead of a focus on unity, particularly in the capitularies. A few areas, such as the treatment of *pauperes* or the need for justice, did receive more assertive moral comment. Such topics often seem to have been at the ‘tension points’ of the social system: where socially significant groups were too vulnerable to the misuse of power for (relative) social and cosmic peace to be maintained. Generally, however, the power of nobles may have been so significant (and delicate) a matter that most moralists avoided making too many detailed comments on it.

⁸⁴⁰ (Fried 1982, 17). Of his two suggested basic principles of power: ‘Königsrecht bricht Adelsrecht’ and ‘Gemeinnutz bricht Eigennutz’, the first would have been unacceptable in most of the Middle Ages, while the second is contentious even now.

CHAPTER 4: SEX

4.1 INTRODUCTION

As already indicated,¹ marriage (alongside warfare) was one of the key markers defining lay status in the Carolingian period. Church control of marriage was not yet as extensive as at later periods, although in the ninth century there was a gradual development of church jurisdiction in some areas of marriage.² As a result, both clerical and secular authorities claimed the right to regulate sexual behaviour: it was not solely the concern of the individual patriarchal *familia*.

Christian traditions

Christian regulation of sexual behaviour, although it introduced some new norms, also drew from both classical and Jewish traditions.³ Jesus in the Gospels said relatively little about personal sexual behaviour,⁴ but his teaching did include ideas such as self-discipline and the sacred character of marriage, seen as indissoluble and monogamous.⁵ New Testament sexual ethics were developed much further in the epistles of Paul and his followers. Paul wanted codes of sexual behaviour to show Christian communities as a 'holy people' and was keen to preserve the institution of the pious household; his followers further emphasised the importance of the loving, but hierarchical marriage.⁶ By the early fourth century a clear contrast between a militantly ascetic view of the church, stressing celibacy, and a society of settled Christian households had developed.⁷ In the West, the prevailing view valued virginity and continence over marriage and fourth- and fifth-century patristic writing about sexuality was almost exclusively negative.⁸ Yet as Julia Smith comments on the

¹ See Chapter 2, p 41.

² See (Daudet 1933).

³ (Brundage 1987a, 74; Brown 1988, 131-138).

⁴ (Brundage 1987a, 57).

⁵ (Sheehan 1991, 169-170).

⁶ (Brown 1988, 50-58).

⁷ (Brown 1988, 205-209).

⁸ (Brundage 1987a, 83).

intellectual resources available to Carolingian writers on gender and sex: 'that heritage was vast, and neither coherent nor consistent.'⁹

Previous research

While there is a long tradition of scholarly research on the history of marriage,¹⁰ the history of sexual practices and ideas is a relatively new scholarly field.¹¹ One approach has concentrated on tracing the (Western) church's changing attitudes to sexual behaviour,¹² while historians of women and gay people have explored more general medieval attitudes to their sexuality.¹³ More recently, scholars of the Middle Ages have begun applying theories on the social construction of sexuality, first developed in studies of the modern and classical worlds.¹⁴

Many of these studies have seen the early medieval period as only one relatively unimportant moment in a long history of sexual ethics.¹⁵ There has been relatively little work specifically on the Carolingian period or which treats it in detail. The studies that have been done mainly cluster around a few specific topics: Carolingian concepts of marriage,¹⁶ incest,¹⁷ the penitentials' views on sex,¹⁸ women's sexuality¹⁹ and the marital problems of Lothar II.²⁰

⁹ (Smith 1998, 53).

¹⁰ See e.g. (Köstler 1943; Mikat 1978; Gaudemet 1987).

¹¹ (Brundage 1993, x-xii; Nelson 1997, 164-).

¹² See e.g. (Bailey 1955; Brundage 1987a; Brown 1988).

¹³ See e.g. (Boswell 1980; Wemple 1981).

¹⁴ Some of the most influential books have been: (Foucault 1978; Butler 1990; Sedgwick 1990). Their influence can be seen, for example, in many of the papers in (Lochrie, McCracken, and Schultz 1997b).

¹⁵ See e.g. (Brundage 1987a).

¹⁶ See in particular the fundamental study of (Toubert 1977).

¹⁷ See e.g. (de Jong 1989; Herlihy 1990; de Jong 1998c).

¹⁸ See e.g. (Payer 1984; Lutterbach 1999).

¹⁹ See e.g. (Wemple 1981; Heene 1997).

²⁰ See e.g. (Kottje 1983; Bauer 1994; Airlie 1998a).

Conceptual framework

While my work will draw extensively on previous research, there are some distinctions. Firstly, I am looking specifically at restrictions (or their lack) on lay male sexual behaviour. As a result, my work does not cover some areas which were largely seen as issues for women in the period, such as contraception, abortion and infanticide. Nor do I consider the issue of clerical celibacy, one of the key concerns of the Carolingian reform movement.²¹ Studies of Carolingian sexual and marital behaviour have normally drawn heavily on the personal life of rulers, but my focus on norms for nobles will largely exclude such examples. Although many studies of Carolingian sexual ethics have made extensive use of penitentials, as I discuss in my introduction, there are serious problems with their use as a source for moral norms.²² I therefore only summarise previous work on the sexual content of penitentials and focus on other sources showing specifically Carolingian moral concerns.

Categories

The categorisation of sexual behaviour is itself a topic of scholarly debate. Much recent historical scholarship on sexual behaviour has focused on the idea of the social construction of sexuality and the existence or otherwise of 'sexual identities' and 'sexual orientation' in pre-modern times.²³ These discussions first arose around same-sex practices in ancient Greece,²⁴ but have been extended to cross-sex activity and to other periods, including the Middle Ages.²⁵

There now seems widespread scholarly agreement that sexuality is socially constructed and that the ancient world specifically categorised sexual behaviour in a different way.²⁶ There is more contention however on whether or not 'sexual

²¹ (de Jong 1998a).

²² See Chapter 1, pp. 36-38.

²³ See e.g. (Halperin 1998; Karras 2000).

²⁴ See especially (Foucault 1985).

²⁵ See e.g. (Lochrie, McCracken, and Schultz 1997b).

²⁶ (Karras 2000, 1250): 'the active/passive dichotomy'.

identities' existed before the rise of capitalism.²⁷ As a result, some medieval scholars have argued that the terms 'heterosexual' and 'homosexual' should not be used to discuss the period,²⁸ though others still see the terms as useful.²⁹

In general I have preferred to use categories based on the terms and distinctions that Carolingian texts use for sexual activities and behaviours. Some problems remain: references to 'Sodom' do not necessarily indicate same-sex activities.³⁰ Similarly, loose usage and confusion of terms such as 'adulterium' and 'fornicatio' are visible in sources from Classical Roman times to the later medieval period.³¹ However, a tentative classification is possible based on the distinction between the married and unmarried, fundamental to most Carolingian thinking on lay sexual behaviour. This chapter will therefore deal with the sexual behaviour of unmarried men, restrictions on contracting marriages (*raptus* and incest), marital sex, extramarital sex, restrictions on ending marriages (divorce and remarriage) and 'unnatural' sexual behaviour.

4.2 UNMARRIED MEN

New Testament sexual ethics differed from both Roman and Jewish tradition in seeing all sexual activity outside marriage as wrong on the part of both sexes.³² Such restrictions on male behaviour have always proved difficult to maintain in patriarchal societies. Double standards, in which female sexual activity outside marriage is condemned and punished, while similar behaviour by men is condoned,

²⁷ See e.g. the debate between (Karras 1999) and (van der Meer 1999).

²⁸ See e.g. (Schultz 1997, 104). (Boswell 1980, 43) prefers the term 'gay' for 'persons who are conscious of erotic preference for their own gender.'

²⁹ See e.g. (Burns 1997). In this thesis, when discussing Carolingian views, I use 'homosexual' and 'heterosexual' only as adjectives to refer to specifically sexual acts.

³⁰ (Boswell 1980, 202-203) discusses how Boniface, Epistola 73 (p 151) described some heterosexual behaviour as being 'ad instar Sodomitane gentis'.

³¹ (Brundage 1980, 374). See e.g. DVV 29: 'Fornicatio est omnis corporalis immunditia...Quae fornicatio fit per conmixtionem carnis cum femina qualibet, uel etiam ali[a] quacumque immundicia ad [explendum] libidinis ardorem.'

³² (Brundage 1987a, 60-61).

have been commonplace in many cultures.³³ These double standards have sometimes been seen as typical of Carolingian attitudes.³⁴ Other scholars, however, have seen Carolingian sexual moralising as notable for its 'extreme equality'.³⁵

The penitentials support the idea of double standards, since they devote relatively little emphasis to sexual behaviour which does not affect social structures, such as unmarried heterosexual intercourse and prostitution.³⁶ Other evidence confirms that young men's sexual activity was sometimes tolerated. The St Vaast annalist's description of Louis III's death in 882, injured when chasing a girl, 'because he was young',³⁷ seems to regard such behaviour as typical. Many Carolingian princes kept concubines before they were married,³⁸ and this also seems to have been common among nobles. Count Stephen reported sleeping with a girl in his youth 'as was customary' and Falcrie, a vassal of Lothar I, claimed to have kept a concubine before his marriage.³⁹ Nor was there much concern about widowed kings having concubines in their old age.⁴⁰ Indeed, the keeping of concubines by unmarried men seems to have been generally accepted: some church councils say that unmarried men with one concubine should not be excluded from communion.⁴¹

³³ See e.g. (Brundage 1987a, 305) citing the twelfth-century glossator 'Cardinalis': 'people consider fornication a lesser offense for men than for women'. (Lerner 1986, 113-116): double standards were already institutionalised in Mesopotamian law. Cf. (Thomas 1959).

³⁴ (Wemple 1981, 83, 93-94).

³⁵ (Toubert 1977, 258).

³⁶ (Payer 1984, 36-38).

³⁷ AV 882: 'sed quia iuvenis erat, quandam puellam, filiam cuiusdam Germundi, insecutus est.'

³⁸ (Le Jan 1995, 275-277).

³⁹ Hincmar, Epistola 136 (Epp. 8 p 89): 'Ut adsolet...in fragili iuventutis aetate cum quadam femina iuvene mihi convenit.' (The woman concerned was probably noble as well, as a relative of Count Raymond's daughter.); Leo IV, Epistola 22 (Epp. 6 p 599).

⁴⁰ VK 18 (Charlemagne). AB 853, however, does imply that Lothar's taking of two slave mistresses was 'adulterium'.

⁴¹ Council of Mainz 852 (Conc. 3 no 26 p 250) c 15.

The social pressures on young men to be chaste before marriage were clearly less strong than for young women.⁴² The extent of this double standard, however, should not be overestimated. Although some authors have seen such concubinage as bringing ruin to girls,⁴³ there are hints in the sources that loss of virginity was not necessarily disastrous for young women.⁴⁴ Moreover, alongside a general acceptance of male unchastity, there were also a view arguing for sexual restraint by unmarried men. Charlemagne himself demanded this,⁴⁵ while the mirrors of Jonas, Alcuin and Dhuoda all insist that young men should be chaste. Dhuoda stresses the sacred nature of marriage, but warns William to avoid fornication and the 'harlot woman'.⁴⁶ Alcuin sees chastity as something that should be learned in youth,⁴⁷ and taught by fathers to sons.⁴⁸ Jonas is, as usual, most detailed and forceful. Laymen are led into corruption not only by desire, but because they postpone marriage to obtain secular honours.⁴⁹ If they want a virgin wife, they should be virgins themselves.⁵⁰ Nor can they excuse

⁴² DIL 2-2 quotes Augustine, *Sermo* 132, 2 (PL. 38, col. 735-736) saying that men are 'gloriosior' than women if they remain chaste before marriage, since they are not constrained by family or laws to remain *purus*.

⁴³ (Wemple 1981, 90-94).

⁴⁴ Council of Pavia 850 (Conc. 3 no 23 p 224) c 9 complains about fathers who keep their daughters unmarried for too long in order to obtain advantageous marriages 'unde sepe contingit, ut in ipsa paterna domo corrumpantur.' If these daughters make a legitimate marriage afterwards, they are to be denied the nuptial blessing. Council of Aachen 862 (Conc. 4 no 9D p 86) quotes some bishops: 'Ut de mulieribus taceamus, rarus aut nullus est vir, qui cum uxore virgo conveniat.'; (p 84): the sexual history of a wife before marriage is irrelevant if she is chaste during the marriage. Cf. (Gradowicz-Pancer 2000, 51): Salic law did not see sexual purity as essential for female honour.

⁴⁵ *Missi cuiusdam admonitio* (Cap. I no 121 p 240): 'filii...caveant se a furtis et homicidiis et fornicationibus; quando ad legitima etate veniunt, legitimam ducant uxorem, nisi forte illi plus placeant in Dei servitio intraret.'

⁴⁶ LM 4-6: 'fuge fornicationem et a muliere meretrice mentem tuam procul pone.'

⁴⁷ DVV 18: 'Assuescat juvenis castitati, ut sit dignus sapientia Dei'.

⁴⁸ DVV 18: 'Qui filios habet spirituales, vel carnales, nutriet illos in castitate Deo, non in fornicatione diabolo.'

⁴⁹ DIL 2-2: 'Quidam laicorum amore libidinis superati, quidam vero ambiendi honoris terreni cupiditate ducti, imo praestolandi tempus, quo honores mundi nancisci valeant, interim in coeno luxuriae se volutantes, antequam ad copulam connubii accedant, diversissimis modis se corrumpunt'.

⁵⁰ DIL 2-2.

themselves by saying they are not committing adultery, but only sleeping with prostitutes. Jonas concludes:

it is to be attended to with the greatest care by those approaching the tie of marriage, that they may be corrupted neither secretly with prostitutes, nor openly with slave girls, before they tie themselves with the marriage bond.⁵¹

Examples of such restraint are visible in some narrative sources. Odo stresses that Gerald of Aurillac remained chaste all his life.⁵² He does not show him mocked when he refrains from intercourse, not even when he suddenly recoils in disgust from the servant girl he had planned to sleep with.⁵³ Yet he does consider that ‘unclean minds’ may see Gerald as ‘foolish’ in being concerned about the impurity caused by nocturnal emissions.⁵⁴ Similarly, Walter in *Waltharius* is shown as capable of sexual restraint in unusually tempting circumstances (he is travelling alone for several months with his beautiful fiancée).⁵⁵ Both men thus refrain from sexual encounters which would have not have infringed other men’s ‘ownership’ of women.⁵⁶

Unmarried noble laymen are clearly something of an anomaly in Carolingian thought. Their state is often seen as transitory, for men awaiting the age and resources to marry.⁵⁷ The layman who remained unmarried was socially acceptable, but relatively rare.⁵⁸ Opinion seems to have been divided on how such unmarried men

⁵¹ DIL 2-2: ‘summoveo studendum est conjugii copulam adeuntibus, ut nec clanculo cum meretricibus, nec palam cum ancillulis, antequam uxorio vinculo se innectant, corrumpantur’.

⁵² VG 2-34.

⁵³ VG 1-9. (In contrast he is mocked for his peacefulness: see e.g. 1-24, 1-33).

⁵⁴ VG 1-34: ‘Stultum forte videbatur hoc ejus factum, sed illis plane quorum coenosa mens vitiorum sordes exhalat.’

⁵⁵ *Waltharius* v 426-427.

⁵⁶ Neither text blames the women involved for the sexual temptation created; the valuing of male chastity is thus not necessarily linked to fear of women or misogyny, as in much late antique teaching.

⁵⁷ See (Smith 2003a, 63-66) on the unusually prolonged ‘youth’ of Einhard.

⁵⁸ VG 1-34: Gerald of Aurillac had to turn down an offer of marriage. LM 4-6 may see as one option for William, virginity, ‘quod est lucidissimum donum’, but elsewhere she clearly expects him to marry and have children (e.g. in her initial verse inscription). Boniface, *Epistola* 73 (p 148) to Ethelbald of Mercia says that if the king had not taken a lawful wife for the sake of abstinence, ‘non est reprehensibile, sed magis laudabile.’

should behave. Custom (and some official church decisions) allowed them considerable licence. On the other hand, a number of moralists, including the laywoman Dhuoda, insisted that these young men should remain chaste until marriage.

4.3 *RAPTUS*

One form of sexual misbehaviour that aroused frequent comment in the Carolingian period was *raptus*. This is defined by one capitulary as: ‘he who takes a free woman against the will of her relatives.’⁵⁹ It was thus a matter of abduction rather than rape: the consent of the woman involved was not the key (although some texts do make a distinction).⁶⁰ It was also a gendered crime; there is no specific term for the equivalent problem of men marrying women without the consent of the man’s parents, although the sources suggest that such consent could be seen as needed for a valid marriage).⁶¹

The underlying motivation of *raptus* was normally marriage. Marriage by abduction has a long history in many cultures where arranged marriages are the norm, as a marginal alternative to such marriages.⁶² Abductions were thus potentially socially disruptive, flouting the authority of the family, and possibly provoking retaliation. As a result, from the fourth century, Roman emperors began to treat *raptus* as a public offence and legislate against it.⁶³ *Raptus* was also seen as a problem in the early Merovingian period.⁶⁴ Salic law condemned abductions, but fines were the only penalties unless the unfree were involved.⁶⁵ Childebert II in 595 went further,

⁵⁹ *Summula de bannis* (Cap. I no 110 p 224) c 5: ‘qui feminam ingenuam trahit contra voluntatem parentum suorum.’

⁶⁰ See e.g. *Capitula legibus addenda* 818-819 (Cap. I no 139 p 281) c 4.

⁶¹ (Wemple 1981, 84); Nicholas I, *Epistola* 9 (Epp. 6 p 275). The known cases all concern the marriages of princes.

⁶² (Evans-Grubbs 1989, 61-64).

⁶³ (Grodzynski 1984). (Brundage 1987a, 73): some conciliar legislation and patristic writings also considered the problem.

⁶⁴ (Wemple 1981, 35; Siegmund 1998).

⁶⁵ PLS 13.

ordering the *raptor* to be killed or exiled; the same penalty applied to the woman if she had consented to the *raptus*.⁶⁶ Generally, however, *raptus* seems to have been a recognised, if condemned method of acquiring a wife.⁶⁷ Formularies show a process in which an abduction marriage could be made into a normal marriage, by the subsequent endowment of the bride.⁶⁸

Carolingian councils and assemblies⁶⁹ show continuing concerns about *raptus*, with frequent legislation, especially in the ninth century.⁷⁰ It was one of the major public order offences covered by the royal *bannus*⁷¹ and a matter that counts and *missi* specifically had to investigate.⁷² *Raptus* also became the focus of a wider moral concern. Louis the Pious and his successors stressed that divine as well as human authority forbade it.⁷³ Yet the conciliar decrees and capitularies on *raptus* were inconsistent about one key aspect. While all agreed on the need to prevent and punish *raptus*, views varied as to whether or not a valid marriage could be created from an act of *raptus* in some circumstances.

⁶⁶ PLS Capitula Legi Salicae addita, Capitulare VI, 2-2 (p 268).

⁶⁷ (Le Jan 1995, 298-299).

⁶⁸ (Le Jan 1995, 268).

⁶⁹ In contrast, *raptus* rarely features in the mirrors (DIL 1-20 has a passing mention).

⁷⁰ (Le Jan 1995, 299) sees *raptus* as becoming ‘un véritable fléau social’ from the mid-ninth century, a sign of a society in crisis, because rigid social hierarchies blocked other forms of hypergamy. However the increase in cases recorded after 840 may instead be linked to the divided kingdom, which gave more opportunities for a *raptor* to flee jurisdictions (see e.g. Hlotharii, Hludowicii et Karoli conventus apud Marsnam secundus 851 (Cap. II no 205 p 73) c 5).

⁷¹ See e.g. Capitula a misso cognita facta (Cap. I no 59 p 146) c 1; Constitutio de Hispanis in Francorum regnum profugis prima (Cap. I no 132 p 262) c 2: (one of the cases to be brought to the count’s *mallus*).

⁷² See e.g. Concilium Aquisgranense 836 (Conc. 2 no 56 p 723) c 65; Capitulare missorum Silvacense 853 (Cap. II no 260 pp. 271-272) c 2.

⁷³ Capitulare ecclesiasticum 818x819 (Cap. I no 138 p 278) c 22 inserts canons so all know ‘quantum malum sit, et non solum humana sed etiam divina auctoritate constricti’.

Discussions focused on the four main classes of women involved: nuns, betrothed girls, girls who were not betrothed and widows.⁷⁴ There was agreement on the first class, at least: *raptores* could not marry nuns or women consecrated to God.⁷⁵ In several cases, human or divine punishment is recorded for those who did so.⁷⁶

Early conciliar legislation tended to argue that betrothed girls who were abducted must be returned to their fiancés, even if violated.⁷⁷ Salic law did not require this,⁷⁸ but from the early ninth century there were regulations which specifically banned the *raptor* and the *rapta* from marrying in this case.⁷⁹

This prohibition against subsequent marriage was also extended by some councils to *raptores* of girls who were not yet betrothed.⁸⁰ Yet other near contemporary councils did allow such marriages. While the Council of Meaux-Paris in 845-846 allowed the subsequent marriage of a *raptor* with a widow, a virgin or even a previously betrothed girl (but not a nun) after penance,⁸¹ the Council of Pavia

⁷⁴ Capitulario de partibus Saxoniae (Cap. I no 26 p 69) c 12 inflicts the death penalty on anyone who commits *raptus* on his lord's daughter. I am not aware of any other discussion of this type of case.

⁷⁵ The *raptores* of nuns were often excommunicated e.g. Capitulare ecclesiasticum 818x819 (Cap. I no 138 p 279) c 25; Council of Ver 844 (Conc. 3 no 7 p 41) c 6. The Council of Meaux-Paris 845-846 (Conc. 3 no 11 p 116) c 67, more lenient towards *raptus* in general, said that these men should never be allowed to marry anyone.

⁷⁶ Programmatic capitulary 802 (Cap. I no 33 p 97) c 33 refers to the example made by Charlemagne of Frizzo's 'incestum' with a nun. AF(M) 887: Liutward of Vercelli abducted the daughter of Count Unruoch from a convent for his relative to marry, but the relative was killed by divine punishment.

⁷⁷ See e.g. Council of Ancyra 314, cited by Capitulare ecclesiasticum 818x819 (Cap. I no 138 p 279) c 24.

⁷⁸ PLS 13-12, 13. Capitula legibus addenda 818x819 (Cap. I no 139 p 282) c 9 also seems to allow the marriage if the girl's guardian agrees subsequently, but the perpetrator must still pay compensation to the groom and the *fisc*.

⁷⁹ See e.g. Capitulare ecclesiasticum 818x819 (Cap. I no 138 p 279) c 24; Capitula incerta (Cap. I no 156 p 315) c 1.

⁸⁰ See e.g. Capitulare ecclesiasticum 818x819 (Cap. I no 138 p 278) c 23.

⁸¹ Conc. 3 no 11 pp. 115-117 c 64-68. c 66, however, specifically punishes the serial *raptor* by anathema and barring him from all marriage.

in 850 insisted that the ‘*antiquorum patrum statuta*’ in which a legitimate marriage with the *raptor* was not possible were maintained.⁸²

Such changes of views have often been seen as attributable to a (seemingly monolithic) church which ‘mitigated its earlier intransigence on rape and abduction’,⁸³ or was ambiguous about abduction, because it involved consensual marriage.⁸⁴ In fact, there was a long tradition of Christian moralists accepting *raptus* after the fact in some cases and sanctioning the subsequent marriage of a *raptor* to the *rapta*.⁸⁵ No Carolingian texts approve of *raptus*: the difference is in the means of dealing with its consequences.

Moralists who allowed a valid marriage to be made from *raptus* often stressed the need for damage limitation. The Council of Meaux-Paris stated that it allowed subsequent marriage after public penance because of ‘*incontinentia*’, and that ‘we have not constituted a rule,...but consider what is more tolerable’.⁸⁶ Similar concerns seem to have motivated papal intervention in the most prominent case of *raptus* in the period, the (consensual) abduction of Charles the Bald’s widowed daughter Judith by Baldwin in 862. After a secular legal judgement, the West Frankish bishops anathematised them.⁸⁷ Baldwin, however, appealed to Pope Nicholas and, thanks to his intervention, the pair were reconciled to Charles and he allowed a legal marriage ‘*consilio fidelium suorum*’.⁸⁸ Nicholas, in his appeals to Charles and others, stressed

⁸² Conc. 3 no 23 p 224 c 10.

⁸³ (Wemple 1981, 82).

⁸⁴ (Le Jan 1995, 301). (Weber 2001, 52-57) however, argues convincingly that the decrees on *raptus* instead show the church’s ambiguity towards the view that the couple’s consent alone creates a valid marriage.

⁸⁵ (Evans-Grubbs 1989, 73-76): Basil of Caesara allowed such a marriage provided the girl was not already betrothed and that her parents’ agreement could be gained.

⁸⁶ Conc. 3 no 11 p 111 c 65: ‘*non regulam constituimus, sed...quid sit tolerabilius, aestimamus.*’ c 64 deals with cases of *raptus* where there had been a subsequent marriage with parental consent: it demands public penance, but then allows the couple intercourse subsequently, ‘*ne in peius corruant*’. They must take care, however, to offer alms and carry out holy works until they are able to give up marital sex. The sons born before the marriage are also seen as ‘*minus laudabile procreati*’ and cannot normally become clerics.

⁸⁷ Hludowici, Karoli et Hlotharii II conventus apud Saponarias 862 (Cap. II no 243 pp. 160-161) c 5.

⁸⁸ AB 863.

that he asked for mercy for Baldwin and did not demand Charles' forgiveness,⁸⁹ but that he was concerned: 'lest something still worse may perhaps arise from this.'⁹⁰ Although the Western Frankish bishops did not oppose Baldwin and Judith's marriage, they tried to avoid their own involvement in it,⁹¹ seemingly unhappy about the fact that the pair were not doing penance first.

Opposing this was a rigorist view, which denied that a valid marriage could ever be made from *raptus*, even if parental consent was gained subsequently. Such a view first appears not in ecclesiastical sources, but in Constantine's legislation.⁹² The most articulate development of this view in the Carolingian period is the treatise attributed to Hincmar, *De coercendo et extirpando raptu viduarum, puellarum ac sanctimonialium*.⁹³

This work is particularly important because it provides almost the only discussion of the moral reasons for concern about *raptus*. The main objection is to the sacrilegious nature of such action, with concerns about violence being a secondary theme. *Raptores* 'do not fear to violate the temple of God, which is the holiness of the faithful.'⁹⁴ No legitimate marriage can ever be made out of such a 'iniquum conturbium'.⁹⁵ The men who perpetrate such deeds are 'bandits' worthy of death.⁹⁶ They often compound their offence by additional acts. Some violently enter churches

⁸⁹ Nicholas I, *Epistolae* 7-8, 57 (Epp. 6 pp. 272-275, 361).

⁹⁰ Nicholas I, *Epistola* 60 (Epp. 6 p 369): 'ne ex hoc ad hoc deterius forte aliquid oriator.' In *Epistola* 7 (Epp. 6 p 274) he specifies that he is concerned that Baldwin might ally with the Vikings and 'in populo Dei...aliquod ingerat periculum et scandali fomitem...immittat.'

⁹¹ Hincmar, *Epistola* 169 (Epp. 8 p 146): 'Sicque nihil nobis de ecclesiastico ministerio eis interdicentibus, sed tantum, quod valuimus, nostram praesentiam ab hoc negocio subducentibus.'

⁹² (Evans-Grubbs 1989, 72-76) shows that Constantine's law on *raptus* was not consistent with contemporary theologians' views.

⁹³ (Devisse 1975-76, 461-463) sees this as the product of the Council of Ponthion 876, not solely Hincmar's work.

⁹⁴ *De coercendo* 4: 'templum Dei, quod est sanctimonia fidelium, violare non metuunt'.

⁹⁵ *De coercendo* 4.

⁹⁶ *De coercendo* 7: 'Agnoscant se ergo qui ejusmodi sunt et latrones et homicidas, et animarum interfectores, et dignos morte.'

when excommunicated; others have arbitrarily killed their previous wives on suspicion of adultery.⁹⁷

Yet even without such further violence, *raptus* is sinful and can only be expiated by penance.⁹⁸ Hincmar is also adamant that the subsequent consent of the girl, or her parents, cannot make the marriage valid.⁹⁹ He praises Constantine's law, which severely punished the *raptor*, his accomplices and a *rapta* or relatives who consent afterwards to the abduction or do not raise a sufficient complaint about it.¹⁰⁰ He also insists that *raptores* must not be allowed to gain the ear or the support of *principes* for their marriages.¹⁰¹

Hincmar's work in fact shows how little theological tradition there was against *raptus*. He quotes no patristic comments specifically on *raptus*.¹⁰² An appendix to the treatise includes extracts from the canons on *raptus*: only two of these extracts refer to betrothed women and two to unbetrothed girls, while eleven deal with consecrated virgins or nuns. Hincmar instead turned to the Bible for examples, but found problems here. He quotes the sections of Deuteronomy condemning those who rape betrothed girls,¹⁰³ yet omits the subsequent verses which allow the rape and subsequent marriage of a girl who is not betrothed.¹⁰⁴ Similarly, he condemns King David's relationship with Bathsheba, and insists that although the marriage was allowed to continue, it is not an example to be copied.¹⁰⁵ He says the same about the mass

⁹⁷ De coercendo 7, 8. In c 13 he discusses David's murder of Uriah the Hittite.

⁹⁸ De coercendo 19.

⁹⁹ Consistently with this, there is very little stress on *raptus* as a specific offence to the girl's family, other than a few brief references to 'paternal authority' e.g. c 2.

¹⁰⁰ De coercendo 5, 12. From the details of the punishments, it is Constantine's law to which Hincmar refers.

¹⁰¹ De coercendo 18.

¹⁰² De coercendo 9 quotes Augustine, *Ad Pollentium de adulterinis coniugiis libri duo* 2, 8 (on the need for equal chastity between man and wife); De coercendo 19 quotes Augustine, *De Genesi ad litteram libri duodecim* 9, 7 on the goods of marriage.

¹⁰³ Deuteronomy 22: 23-27 (De coercendo 5, 6).

¹⁰⁴ Deuteronomy 22: 28-29.

¹⁰⁵ De coercendo 13: 'Quod autem conjugium illud, tam graviter increpatum et improbatum, atque flagellatum, ita manere permissum est, manifeste non est cuiquam ad imitandum

abduction marriages of the Benjamites in the book of Judges.¹⁰⁶ Here there were also extenuating circumstances: it was all done ‘rationabiliter...pro publica utilitate, publica auctoritate, atque intercessione, ita singulare est et minime imitandum.’¹⁰⁷

Moralists’ treatments of *raptus* thus show a consensus on general principles which dissolves when dealing with the consequences of specific cases. Attempts to condemn *raptus* based on Scriptural or patristic texts were problematic. If, however, *raptus* was only a violation of the secular social order, then it could potentially be solved by negotiation, as often seems to have happened. Several kings, in particular, seem to have eventually accepted, or at least tolerated, their daughters’ marriage after *raptus*.¹⁰⁸ When the consequences of trying to oppose such marriages could be lethal disorder,¹⁰⁹ many moralists may have seen their duty as settling disputes peacefully rather than treating *raptus* as an irredeemable offence against God.

4.4 INCEST

Most societies have rules banning both sexual intercourse between some close relatives (incest) and also the marriage of some relatives (endogamy). These rules are not necessarily the same, although scholars often combine both under the term ‘incest’.¹¹⁰ To Carolingian moralists, *incestum* seems to have had wider meanings. As well as intercourse and marriage with relatives, it could also be used for sexual relationship with nuns, and in some cases for wider sexual disorder.¹¹¹

propositum, ut quilibet in injusto ordine credat se habere justum conjugium: sed potius divinum exstitit miraculum vel sacramentum’.

¹⁰⁶ Judges 20-21; De coercendo 15-17.

¹⁰⁷ De coercendo 16.

¹⁰⁸ AF 846: Gislebert, a vassal of Charles the Bald, kidnapped and married Lothar’s daughter. Lothar recognised the marriage, probably in 849 ((Werner 1965, 449); AF(B) 893: Engelschank returned into favour with Arnulf after carrying off his illegitimate daughter.

¹⁰⁹ AB 868: Eleutherius carried off and married Pope Hadrian II’s daughter, who was already betrothed to another man. When *missi* were sent to judge him, he killed his wife and her mother, before being slain himself.

¹¹⁰ (Fox 1980, 4): ‘Incest refers to sex, exogamy refers to marriage’. I have attempted to distinguish ‘incest’ (any sexual contact) from ‘incestuous marriage’, but some of the sources are sufficiently vague to make this distinction tricky.

¹¹¹ (de Jong 1998c, 117). DIL 2-8 states: ‘Cum omnis illicitus concubitus incestus sit, multo magis concubitus cum propinquis Deoque dicatis feminis, habetur incestus: qui enim vel cum

Restrictions on marriage with relatives are found in Jewish, classical Roman and early Christian traditions,¹¹² but Western Europe was exceptional in the wide-ranging prohibitions it developed.¹¹³ This concern seems specific to the ‘post-Roman world’; there were important discussions at the Council of Epaon in 517, which included a far more extensive list of relatives than previous councils.¹¹⁴ Frankish rulers also began to legislate on the topic from the sixth century.¹¹⁵

Further developments of legislation followed in eighth century Francia, when an interaction of papal decrees and royal capitularies is visible. ‘Spiritual kinship’ via godparenthood was added to the list of impediments and the prohibited degrees were gradually extended. Regulations on ‘incestuous’ marriages continued to be an important theme of both church councils and secular legislation throughout the ninth century. Eventually prohibitions reached as far as the seventh *generatio*, so that practically all known blood relations and affines were excluded.¹¹⁶ Those who contracted such marriages were threatened with excommunication,¹¹⁷ and there was an unusual emphasis on enforcing prohibitions.¹¹⁸ Bishops, priests and neighbours had to investigate couples’ genealogies before marriages took place.¹¹⁹ Bishops were also required to search out offenders and impose separation and penance on them, and seem to have taken these responsibilities seriously.¹²⁰ *Potentes* had to ensure there

virginibus Deo sacratis, vel sanguine propinquis miscetur, incesti, id est, incasti judicantur.’ (repeated by Council of Douzy 874 (Conc. 4 no 40A) p 583).

¹¹² (Fleury 1933, Book 1; Gaudemet 1987, 37, 65-66).

¹¹³ (de Jong 1998c, 114).

¹¹⁴ (Fleury 1933, 86-91; Wood 1998, 296-297).

¹¹⁵ (de Jong 1998c, 118; Wood 1998, 293-294).

¹¹⁶ (Fleury 1933, Book 3; de Jong 1989, 39-42). (de Jong 1998c, 107-110) considers it likely that popes were adopting the ‘Germanic’ system of kin reckoning, effectively making all kin-marriage unacceptable.

¹¹⁷ See e.g. Concilium Vernense 755 (Cap. I no 14 p 35) c 9; Capitula e canonibus excerpta 813 (Cap. I no 78 p 174) c 8.

¹¹⁸ (Toubert 1998, 534-535).

¹¹⁹ See e.g. Concilium Foriuliense 796/797 (Conc. 2 no 21 pp. 191-192) c 8; Programmatic capitulary 802 (Cap. I no 33 p 98) c 35.

¹²⁰ (de Jong 1998c, 113).

were no ‘incesta adulteria’ within their households.¹²¹ Incestuous marriages were seen as a matter of public order (comparable to homicides and bandits),¹²² and those involved might be subject to secular penalties.¹²³

There are also a number of references to combating incest in its specific sense of sexual encounters between relatives. Although some texts clearly separate off marriage from other cases,¹²⁴ not all do so.¹²⁵ Even where discussions do deal with intercourse alone this is largely in the context of marriage and affinity. What capitulary and conciliar legislation tackle is either adulterous incest (where a married man or woman sleeps with a relative by marriage),¹²⁶ or successive intercourse with two members of the same family.¹²⁷ Concerns about this extended to a prohibition of

¹²¹ Council of Meaux-Paris 845-846 (Conc. 3 no 11 p 124) c 77.

¹²² See e.g. Council of Tours 813 (Conc. 2 no 38 p 292) c 41; Hlotharii capitulare de expeditione contra Saracenos facienda 846 (Cap. II no 203 p 66) c 6; Widonis imperatoris capitulare Papiense legibus addendum 891 (Cap. II no 224 p 107) c 1.

¹²³ See e.g. Pippini regis capitulare (Cap. I no 13 p 31) c 1 (fines); Concilium Vernense (Cap. I no 14 p 35) c 9 (exile for those contemptuous of excommunication); Diploma 205 of Charlemagne (Pippini, Carlomanni, Caroli Magni diplomata, Dip. Kar. 1 pp. 274-275) (confiscation of land).

¹²⁴ See e.g. Hrabanus, Epistola 30 (Epp. 5 pp. 450-452) c 3, 4 which discusses marriage and incestuous fornication separately.

¹²⁵ See e.g. Pippini regis capitulare (Cap. I no 13 p 31) c 1: ‘Si homo incestum commiserit’; Council of Mainz 847 (Conc. 3 no 14 p 175) c 29: ‘De damnatis nuptiis. Si quis viduam uxorem duxerit et postea cum filiastra sua fornicatus fuerit seu duabus sororibus nupserit; aut si qua duobus fratribus nupserit seu cum patre et filio, item si quis relictam fratris... carnali coniunctione violaverit, si quis fratris germanam uxorem accepit, si quis novercam duxerit, si quis consobrine suae impudice se sociaverit’.

¹²⁶ See e.g. Decretum Compendiense 757 (Cap. I no 15 p 38) c 11 (wife with brother-in-law), c 13 (father with son’s fiancée); Decretum Vermeriense (Cap. I no 16 pp. 40-41) c 2 (husband with stepdaughter) c 10 (son with stepmother), c 11 (husband with stepdaughter or wife’s sister), c 18 (husband with wife’s cousin); Concilium Moguntiense 813 (Conc. 2 no 36 p 273) c 56 (husband with stepdaughter); Concilium Triburiense 895 (Cap. II no 252 pp. 237, 239) c 41 (brother with brother’s wife), c 45a (husband with wife’s sister).

¹²⁷ See e.g. Decretum Compendiense 757 (Cap. I no 15 p 39) c 17 (man with mother and daughter), c 18 (man with two sisters). Decretum Vermeriense (Cap. I no 16 p 41) c 12 (man with two sisters); Concilium Triburiense 895 (Cap. II no 252 pp. 238-239) c 43 (woman with father and son or two brothers), c 45a (man with two sisters). Hrabanus, Epistola 30 (Epp. 5 pp. 450-452) c 4 discusses penance in such cases (woman with father and son, two brothers or uncle and nephew).

underage marriage, since it could easily lead to such prohibited liaisons.¹²⁸ There is, however, no emphasis on the ‘classic’ forms of incest-taboo significant in many other cultures: parent-child or brother-sister sexual relationships.¹²⁹

Despite the flurry of legislation (or perhaps because of it) there was continuing confusion about how incest and incestuous marriages should be dealt with. One key problem was exactly which relatives were prohibited, since papal and conciliar decrees were inconsistent with themselves and with Biblical precedents.¹³⁰ There were continuing differences of opinion around marriages between the third, fourth and fifth *generatio*.¹³¹ Papal documents were forged in the eighth and ninth centuries which indicated either tighter or looser definitions of prohibited kin.¹³² Well into the ninth century several bishops had to ask for clarification on the matter,¹³³ and laymen were also confused.¹³⁴

There was also inconsistency on the procedure for dealing with incestuous marriages which had taken place: must couples separate, and if so could they remarry?¹³⁵ Similar confusion existed about the penalties for adulterous incest and

¹²⁸ *Capitula e conciliorum canonibus collecta* (Cap. I no 114 p 232) c 1; Council of Pavia 850 (Conc. 3 no 23 p 229) c 22.

¹²⁹ (Payer 1984, 30-32): the penitentials do deal with such cases.

¹³⁰ The reply of Concilium Cabillonense 813 (Conc. 2 no 37 p 279) c 28 to those seeking advice: ‘Quibus nos ad canones currere praecepimus’ was thus deeply unhelpful.

¹³¹ (Fleury 1933, 218-219; de Jong 1998c, 119-120).

¹³² (de Jong 1998c, 110-112).

¹³³ Hrabanus Maurus was asked by several abbots and bishops his opinion on the dispute about allowed degrees; he composed and circulated a booklet on the topic (*Epistola* 29 (Epp. 5 pp. 445-448) and then had to write further to defend this viewpoint (*Epistola* 31 (Epp. 5 pp. 455-458). As (Toubert 1998, 532-533) points out, however, this was one of the few attempts specifically to define the degrees, suggesting a lack of interest in precise calculations.

¹³⁴ Hincmar *Epistola* 136 (Epp. 8 p 89) quotes Count Stephen: ‘audieram, quod a quarto genu...pertinentes sibi copulari valerent’. His confessor, however read to him from the canons a prohibition of marriage with all relatives and affines.

¹³⁵ *Decretum Vermeriense* (Cap. I no 16 p 40) c 1 made those related in the third degree separate, but allowed remarriage; the fourth degree were not separated, but given penance. *Haitonis episcopi Basileensis capitula ecclesiastica* (Cap. I no 177 p 365) c 21: those in the fourth degree should not separate, but do penance for rest of marriage. Council of Douzy 874 (Conc. 4 no 40A pp. 582-583) quotes the forged correspondence of Bishop Felix of Sicily and Gregory the Great. In this, Gregory’s supposed statement that marriages in the fourth degree should not be separated is explained as applicable only as a concession to the newly converted

fornication with two relatives.¹³⁶ Sometimes the guilty parties were forbidden all further marriage (or their current marriage was dissolved).¹³⁷ Other decrees did allow remarriage;¹³⁸ this was sometimes explicitly stated to be intended to prevent further harm.¹³⁹ This reflected a more general concern about the potential danger of taking a very strict line on incest.¹⁴⁰ Hrabanus thought that if all those who were related, however distantly, had their marriages instantly dissolved it would increase adultery and fornication, especially among young men.¹⁴¹ It was better to have the minor ‘scandalum’ of marriage with (distant) kin than more major ones from lack of

English. The council then (pp. 584-585) quotes the ‘synodus Agathensis’ (actually Epaon 517), which contains contradictory statements about which couples must separate. This starts: ‘De incestis coniunctionibus nihil prorsus veniae reservamus, nisi cum adulterium separatione sanaverint.’ It ends similarly: ‘Sane quibus coniunctio illicita interdictur, habebunt ineundi melioris coniugii libertatem.’ However, in between, after listing prohibited relatives, it states: ‘Quod ita praesenti tempore prohibemus, ut ea, quae sunt ante nos instituta, non dissolvamus.’

¹³⁶ Hrabanus, *Epistola* 30 (Epp. 5 pp. 451-452) c 4 tells Bishop Reginbald that the penance for incestuous fornication given by the authorities is variously lifelong, 15, 12, 10 or 7 years and hastily passes the buck by adding that Reginbald should vary it according to the sincerity of the penance done.

¹³⁷ See e.g. *Decretum Compendiense* 757 (Cap. I no 15 pp. 38-39) c 11, 13, 17; *Concilium Moguntiense* 813 (Conc. 2 no 36 p 273) c 56; *Concilium Triburiense* 895 (Cap. II no 252 p 239) c 45.

¹³⁸ See e.g. *Haitonis episcopi Basileensis capitula ecclesiastica* (Cap. I no 177 p 365) c 21: those who have committed ‘scelus fornicationis’ (presumably adultery is meant) in the first or second degree cannot remarry, those who have committed it in the third degree must do penance, but then can marry others.

¹³⁹ See e.g. *Concilium Foroiuliense* 796/797 (Conc. 2 no 21 p 192) c 8: those whose marriages were allowed after investigation, but subsequently proved to be invalid, must be separated and do penance. Afterwards, although it is better for them to remain unmarried, they are allowed to remarry ‘propter incontinentiam vel certe, quod est honestius, amore filiorum...Hoc autem dicimus secundum indulgentiam, non secundum imperium.’ (Those who married incestuously without submitting to investigation, in contrast, were not allowed to remarry); Council of Worms 868 (Conc. 4 no 25 p 269) c 14 allows a woman who has fornicated with a man who has also slept with her sister to marry: ‘ut fornicationis non perducatur ad chaos’.

¹⁴⁰ Hrabanus, *Epistola* 29 (Epp. 5 p 447): ‘Caeterum ante omnia considerandum est, ut sic censura disciplinae temperetur, ne per inmoderationem correptionis peccati cumulus augeatur.’

¹⁴¹ Hrabanus, *Epistola* 29 (Epp. 5 p 447): ‘vereor, quod adulterium et fornicationis scelus multiplicetur, quia, cum coniugato adolescenti vel iuveni societas conparis suae denegetur...multiplici fornicatione forsan polluitur’.

caution.¹⁴² Other moralists worried that too strict a line on incest might aid those who deliberately wished to end their own marriages.¹⁴³ In particular, a number of texts show an awareness of the abuse of creating spiritual kinship (by acting as godparent to one's own child) in order to dissolve a marriage.¹⁴⁴

Western exceptionalism

There has been much scholarly debate on why the medieval West developed such extreme prohibitions on incestuous marriage. Many reasons have been suggested for general incest and endogamous marriage taboos, such as the eugenic problems of close kin marriage¹⁴⁵ or the importance of exogamy in creating new social ties.¹⁴⁶ Yet these do not explain the specific Western extension of the system,¹⁴⁷ which went far beyond Biblical precedents.¹⁴⁸

Many scholars have therefore seen ecclesiastical interests as behind medieval regulations on incestuous marriage. Duby argued that these formed a way of the church exerting control over marriage,¹⁴⁹ while Goody controversially claimed that the church tried to limit the possibilities of marriage to increase the chance of people

¹⁴² Hrabanus, Epistola 29 (Epp. 5 p 447): 'ubi autem sine maiori detrimento scandalum iam devitari non potest, melius est, ut minus scandalum toleretur, quam maximum propter incautelam efficiatur.'

¹⁴³ (Toubert 1998, 531).

¹⁴⁴ (de Jong 1989, 43). This may have been a particular ploy of women: all the gender-specific references to the deliberate manipulation of godparenthood to break up a marriage are to women doing this (Liber historiae Francorum 31); Capitula italica (Cap. I no 105 p 218) c 13; Concilium Cabillonense 813 (Conc. 2 no 37 p 279) c 31.

¹⁴⁵ (de Jong 1989, 49). However, (Hopkins 1980, 325-327) argues that in conditions of high mortality, extra deaths from inbreeding would probably not have been visible.

¹⁴⁶ (Fox 1980, 139-161). Augustine, De Civitate Dei 15-16 also argued this, but Carolingian texts rarely adopted this argument. (There are passing references by Jonas (DIL 2-8) and Council of Douzy 874 (Conc. 4 no 40A p 583)).

¹⁴⁷ (de Jong 1998c, 114).

¹⁴⁸ Hrabanus Maurus, Epistola 29 (Epp. 5 pp. 445-446) tried to justify Carolingian legislation on the basis of Leviticus 18, but admitted that 'consuetudo humana' (p 446) was also involved. His use of Old Testament precedents was itself challenged (Epistola 31, Epp. 5 p 455).

¹⁴⁹ (Duby 1977a, 28-29).

having no heirs and therefore donating property to the church.¹⁵⁰ More recently, Herlihy has suggested that the church's aims were to ensure the peace of the household and circulate women between households.¹⁵¹ de Jong has seen legislation as inspired by deeply held pollution taboos about the separation of the sexual and sacred.¹⁵² Le Jan and de Jong have also suggested that the church was trying to weaken kinship groups by prohibiting marriages that reinforced kin alliances.¹⁵³

The theories of Goody and Duby have now largely been discredited. Other scholars have pointed out that even if 'the church' had been a unified body capable of producing a consistent self-benefiting policy, its need for oblates as well as donations would prevent it attempting to eliminate heirs.¹⁵⁴ Nor was the church particularly anxious to acquire control over marriages.¹⁵⁵ Similarly, Herlihy fails to explain why 'the church' would have wished to prevent the 'hoarding' of women.¹⁵⁶ Suggestions that the church were trying to weaken kinship ties are also problematic. It is not clear in that case why the church would have allowed reinforcement of kin ties by other means, such as using (distant) kin as godparents.¹⁵⁷ If there had been such a hidden agenda, one would also have expected more use of Augustine's argument that it was wrong to multiply social relationships within one person.¹⁵⁸

The sources provide more support for the idea of pollution taboos being an important consideration. A number of passages about incest and incestuous marriage

¹⁵⁰ (Goody 1983, chapters 3-5).

¹⁵¹ (Herlihy 1990, 9-13).

¹⁵² (de Jong 1989, 49-53).

¹⁵³ (Le Jan 1995, 315-316; de Jong 1998c, 120).

¹⁵⁴ (de Jong 1998c, 114-115). Cf. (d'Avray 2001, 195-196): rules about inheritance rights of kin were reinforced by forbidden degrees.

¹⁵⁵ (Herlihy 1990, 8-9).

¹⁵⁶ (de Jong 1998c, 115-116). She is more positive about his views on household peace (p 136).

¹⁵⁷ Cf. (de Jong 1998c, 119).

¹⁵⁸ See above p 215.

refer to pollution, or closely related concepts such as illness or contagion.¹⁵⁹ Hincmar says approvingly of Count Stephen's refusal to consummate an incestuous marriage: 'by saner counsel he provided for the health of the girl, who was not yet made sick, preserving her intact'.¹⁶⁰ The fact that many discussions of incestuous marriages give no reason for their condemnation may, paradoxically also support the idea of pollution taboos as being important. de Jong argues convincingly that changes to marriage rules were not simply imposed by the church on an unwilling laity, as often suggested.¹⁶¹ Instead, they seem to be channelling existing lay concerns, which in principle feared 'pollution' and opposed marriage to close kin.¹⁶²

'Pollution', however, should not be taken as too stable or absolute a concept.¹⁶³ The rhetoric of pollution could be used for sins with no 'bodily' aspects.¹⁶⁴ Even with sexual sins, there was a variable response, as two cases from the 860s make clear. Lothar II's attempts to divorce Theutberga were based largely on her (forced) admission of prior incest with her brother. The revelation was greeted with 'horror pariter ac dolor',¹⁶⁵ as a 'contagion' potentially infecting humans with an 'incurable

¹⁵⁹ See e.g. Programmatic capitulary 802 (Cap. I no 33 p 98) c 37, 38: the incestuous, like parricides, are to be held in custody till brought before the emperor 'ut salvi sint nec caeterum populum quoinquinent'; Haitonis episcopi Basilensis capitula ecclesiastica (Cap. I no 177 p 365) c 21: 'in tertio vero genu si inventi fuerint tali crimine pollutos esse'; Hlotharii, Hludowicii et Karoli conventus apud Marsnam secundus 851 (Cap. II no 205 p 73) c 5: anyone who has committed incest with a relative or nun or *raptus* or adultery and then moved between kingdoms must be tracked down: 'ne morandi vel latendi locum in regno alicuius nostrum inveniat et Dei ac nostros fideles suo morbo inficiat'.

¹⁶⁰ Hincmar, Epistola 136 (Epp. 8 p 95): 'sanior consilio et puellae sanitati, quae necdum infirmata erat, intactam eam servans providit'. Such concerns about pollution are also reflected in Merovingian sources ((de Jong 1998c, 136-137).

¹⁶¹ See e.g. (Toubert 1996, 400): 'we must emphasize how strongly lay society resisted the system of prohibitions [on incestuous marriage].'

¹⁶² (de Jong 1989, 48-49, 52-53).

¹⁶³ This is seen, for example, in the fact that intention could be considered in deciding whether remarriage after an incestuous marriage was allowed e.g. Concilium Foroiulense 796/797 (Conc. 2 no 21 p 192) c 8.

¹⁶⁴ See e.g. Hincmar, Epistola 127 (Epp. 8 p 66): 'vae illi homini...qui, praecordiis rapina aut aliquo scelere pollutis mysteriorum Christi secretis participare non metuit.'

¹⁶⁵ Council of Aachen 860 (Conc. 4 no 2 p 9) c 16.

plague'.¹⁶⁶ As a result, Theutberga was unworthy of any marriage.¹⁶⁷ Yet when in 862, Count Baldwin abducted and married Charles the Bald's daughter Judith no-one brought up the well-known fact that she had been previously been successively married to a father and a son;¹⁶⁸ she clearly carried no lasting pollution from this incestuous marriage. It is also noticeable that Jonas, who shows great concern about sexual pollution,¹⁶⁹ does not make a particular issue of incest, treating it relatively briefly.¹⁷⁰

The concept of 'pollution' thus cannot in itself explain the extreme extent to which incest regulations developed. A number of other factors seem to have come into play. While opposition to the marriage of close kin may have existed even before Christianisation,¹⁷¹ avoidance of kin-marriage seems to have become one of the defining features of Christian behaviour from the early eighth century.¹⁷² This idea may have been reinforced both by the championing of the levirate by some 'heretics',¹⁷³ and by a belief that Judas' marriage had been incestuous.¹⁷⁴ Denunciations of incestuous marriage may have had a snowball effect, leading to

¹⁶⁶ Council of Aachen 860 (Conc. 4 no 2 p 10) c 18: 'Istud autem contagionis genus...cavendum est, ne morbosam pestem et incurabilem luem generi transmittat humano.'

¹⁶⁷ Council of Aachen 860 (Conc. 4 no 1B p 5) c 4.

¹⁶⁸ AB 858 (Aethelwulf and Aethelbald).

¹⁶⁹ He devotes DIL 2-3, 7, 10, 11 to polluting forms of marital sex (see section 5 of this chapter).

¹⁷⁰ DIL 2-8 is among the shortest of Jonas' chapters on sex and marriage; his chapter prohibiting divorce, for example (2-12) is about twice as long. Of the other lay mirrors, LE 19 has a passing mention of incest as one of the sins produced via pride and desire; LM and DVV do not mention it.

¹⁷¹ Asser, *De Rebus gestis Aelfredi* 17 sees Aethelbald's marriage to his stepmother Judith as 'contra omnium paganorum consuetudinem'.

¹⁷² (de Jong 1998c, 110).

¹⁷³ Boniface, *Epistola* 59 (p 112) claims Clemens preached this.

¹⁷⁴ Hincmar, *Epistola* 136 (Epp. 8 p 91) quotes 'Ambrose' (actually Ambrosiaster, *Ad Corinthos prima* 5, 2) on Judas: 'Publice enim novercam suam loco uxoris habebat.'

ever-expanding limits of forbidden kin. Number symbolism may also have played a part in the extension by some writers of prohibitions to the seventh *generatio*.¹⁷⁵

Impact

Moral concerns about incestuous marriage were taken sufficiently seriously to produce important changes in behaviour for elite males. The Council of Douzy 874 complains about ‘quamplures et maxime carne nobiles et honores temporali sublimes’ committing incestuous marriages and trying to justify them by quoting Gregory the Great’s letter to Augustine of Canterbury allowing marriages in the third or fourth degree.¹⁷⁶ Other evidence, however, suggests that the nobility from the ninth century onwards did respect at least the new prohibitions on marriage with third degree relatives. Such regulations made the search for a wife more difficult for sons of the nobility, while encouraging the hypogamous marriages of daughters.¹⁷⁷ Specific cases of marriages attacked as incestuous confirm that wider prohibitions were enforced. While reported Frankish cases before the ninth century generally concern relatively close relationships or particularly scandalous ones,¹⁷⁸ in the ninth century some more distant marriages also attracted official attention.¹⁷⁹

¹⁷⁵ (de Jong 1998c, 116-118). (Wood 1998, 297): Sixth century Burgundian prohibitions may already have been an attempt to ‘trump’ earlier Frankish legislation.

¹⁷⁶ Conc. 4 no 40 p 581. It opposes to these decisions (real and falsified) that ban all kin marriage (pp. 582-585).

¹⁷⁷ (Le Jan 1995, 316-326). She sees a move in the late ninth century towards greater control by nobles of their sons’ marriages (pp. 302-305). (Fox 1980, 152-165) stresses the general role of endogamy prohibitions in reinforcing the power of fathers (and older males generally) over sons and younger males. This may help to explain the willingness of secular *seniores* to agree to the extension of prohibitions, particularly since the ‘maiores natu loci’ had a specific role in the checks before a marriage could take place (Concilium Foroiulense 796/797 (Conc. 2 no 21 p 192) c 8).

¹⁷⁸ See e.g. (Wood 1998, 297-302) (marriage with wife’s sister); (Le Jan 1995, 312) (great-nephew’s widow, stepmother, first cousin). Boniface, Epistolae 50-51 (pp. 83-84, 90) refers to the marriage of a man with his uncle’s widow. This was seen as a third-degree relationship, but the woman concerned had also formerly been married to her own *consobrinus* and abandoned him and had also abandoned a life as a consecrated woman.

¹⁷⁹ Hincmar, Epistola XXXVI (PL 126, col. 255-256) excommunicates Fulcherus and Hardoisa, quoting prohibitions on marriage to one’s *consobrina*. Count Stephen (Hincmar, Epistola 136 (Epp. 8 p 89) was connected to his wife through a previous affair with a relative of hers (presumably fourth degree kin, since this what he enquired about). Nicholas I (Conc. 4 no 12 p 130) condemns a certain Abbo for marrying a wife related to him in the fourth degree. Concilium Moguntiense 888 (Mansi 18A c 69) c 18 anathematizes Altmann for marrying

4.5 MARITAL BEHAVIOUR AND SEX

Early Christian writers developed a code of behaviour and sexual discipline for couples that drew on Jewish and Stoic ideas as well as New Testament precepts. A married man had 'headship' over his wife, but this domination was to be expressed through love. Augustine encapsulated this view of marriage in describing it as 'a true union of friendship between the two sexes, with the one governing and the other obeying'.¹⁸⁰ His works, however, show a toleration of considerable violence by husbands against their wives.¹⁸¹

Married men were expected to show sexual fidelity to their wives.¹⁸² Christian thinkers also tried to regulate sexual relations within marriage, but approaches differed. Some patristic writers wanted to limit the times at which couples could have intercourse and insisted that the ritual impurity from any sexual act must be cleansed.¹⁸³ Others focused on intentions, arguing that marital intercourse was allowed only for procreation and that the admitting of any lust into the act was sinful.¹⁸⁴ Augustine developed the idea of the 'marital debt', the right of one spouse to demand intercourse from the other.¹⁸⁵ This sexual regulation continued in the early Middle Ages.¹⁸⁶ Penitentials, in particular, laid out an elaborate and extensive scheme of periods of marital abstinence,¹⁸⁷ while also regulating other aspects, such as acceptable positions.¹⁸⁸

his 'commater spiritualis'. John VIII, Epistola 195 (Epp. 7 p 156): Bishop Anselm of Limoges demanded that a man separate from his wife, because he had performed the emergency baptism of his own son.

¹⁸⁰ Augustine, *De bono coniugali* 1, 1: 'Poterat enim esse in utroque sexu...alterius regentis, alterius obsequentis amicalis quaedam et germana coniunctio'.

¹⁸¹ (Shaw 1987, 28-32).

¹⁸² See section 6 of this chapter.

¹⁸³ (Brundage 1987a, 67, 81).

¹⁸⁴ (Brundage 1987a, 89-93; Brown 1988, 132-133).

¹⁸⁵ (Brundage 1987a, 93).

¹⁸⁶ (Sheehan 1991, 173-176).

¹⁸⁷ (Flandrin 1983).

¹⁸⁸ (Brundage 1984, 82-83).

Treatment of wives

While some scholars have seen Carolingian developments on marriage as detrimental to women,¹⁸⁹ others have viewed them more favourably. Toubert, for example, sees Carolingian authors as having a more positive view of marriage than the Church Fathers.¹⁹⁰ Similarly, Heene finds relatively few authors denigrating women or marriage.¹⁹¹ References to the 'headship' of the husband within marriage often also refer to the counter-requirement of St Paul that husbands love their wives.¹⁹² Moralists rarely mention domestic violence against wives, although it seems to have been condoned.¹⁹³ Wife-beating, however, was not extolled as a necessary form of discipline, in the way that Carolingian authors encouraged the physical disciplining of children.¹⁹⁴

Churchmen also seem to have attempted to prevent husbands killing their wives. Paulinus, in a judgement referred to by later authors,¹⁹⁵ imposed a severe lifelong penance on a certain Aistulf, who had killed his innocent wife and afterwards alleged she was an adulteress. He stressed that even if the allegations had been true, Aistulf could have sent his wife away, but not killed her.¹⁹⁶ Several moralists saw an explicit contrast here between church and secular law. While secular laws allowed the

¹⁸⁹ (Wemple 1981, 95-96).

¹⁹⁰ (Toubert 1977, 249-253).

¹⁹¹ (Heene 1997, 110-113, 261-263).

¹⁹² See e.g. *Missi cuiusdam admonitio* (Cap. I no 121 p 240): 'Mulier sint subiecti viri sui in omni bonitate et pudicitia, ... Viri diligant uxorem suam et inhonesta verba non dicat ei.'; DIL 2-5; *De coercendo* 11. In DIL 2-4, Jonas (quoting Augustine, *Sermo* 9, 11) has Jesus saying to a wife that an adulterous husband in some senses 'loses' his headship: 'Nam in eo [husband] quod male facit, noli eum putare caput tuum, sed me.'

¹⁹³ (Heene 1997, 105). Hrabanus, *Epistola* 41 (Epp. 5 p 479) discussed the penance when someone beat his pregnant wife so hard that he killed her unborn children. Such 'inmoderata correctio' is seen as 'parricidium' and given the penance for homicide, but there is no penance specifically for the injury to the wife.

¹⁹⁴ See Chapter 3, pp. 118-119.

¹⁹⁵ See Paulinus, *Epistola* 16 n 1 (Epp. 4 pp. 520-521).

¹⁹⁶ (p 521): 'Nam et si verum... fuisset, sicut adulter ille mentitus est, post octo annos paenitentia forsitan peracta dimittere eam per adprobatam causam poteras, si voluisses, occidere eam tamen nullatenus debuisti.'

killing of adulterous wives,¹⁹⁷ Hincmar protested that summary killings were unsuitable for a Christian kingdom.¹⁹⁸ Treaties between kings sometimes specified that adulterous wives must be returned to their husbands if they had crossed the frontiers.¹⁹⁹ Absconding wives, like Ingiltrude, however, might try to exploit churchmen's concerns about their safety. She was able to persuade Gunther of Cologne not to return her to her husband Boso, lest she be killed, but Hincmar and others insisted she should be returned, once suitable assurances had been received from Boso that he would not kill her.²⁰⁰ The Council of Tribur 895 took a similar position: bishops must protect any 'debauched' (*constuprata*) wife who fled to sanctuary, to ensure she was not killed. They should aim to negotiate with her husband to spare her life, but if this failed, she should not be returned, but taken to a place of safety.²⁰¹

Times and behaviours

The penitentials, as mentioned, developed an elaborate range of prohibitions on marital intercourse, related both to physiology (e.g. menstruation and pregnancy)

¹⁹⁷ Capitulare pro lege habendum Wormatiense 829 (Cap. II no 193 pp. 18-19) c 3 imposed public penance on husbands killing wives 'sine culpa' who took another wife. Nicholas I, (Conc. 4 no 12 p 131) asked 'Si cuius uxor adulterium perpetraverit, utrum marito ipsius liceat secundum mundanam legem eam interficere', stated that the church was not bound by such laws and did not kill. Regino 883: Count Richwinus killed his wife because of her 'stuprum'. Vita Gangulfi shows the strong effect of such social conventions, even on a saintly man. When Gangulf first learns of his wife's adultery, he wavers before deciding to spare her (c 6): 'Sepius enim cordo inherebat, ne eam diutius vivere sineret, ne...decus nobilitatis eius graviter dehonestaret infamiae turpitudine.'

¹⁹⁸ De coercendo 8-12 condemns extra-judicial killings by the husband, adding in c 12: 'Defendant se quantum volunt qui huiusmodi sunt, sive per leges, si ullae sunt, mundanas, sive per consuetudines humanas, tamen si Christiani sunt, sciant se in die iudicii nec Romanis, nec Salicis, nec Gundobadis, sed divinis et apostolicis legibus iudicandos. Quanquam in regno Christiano etiam ipsas leges publicas oporteat esse Christianas, convenientes videlicet et consonantes Christianitati.'

¹⁹⁹ See e.g. Hlotharii, Hludowicii et Karoli conventus apud Marsnam secundus 851 (Cap. II, no 205, p 73) c 5.

²⁰⁰ Hincmar, Epistola 135 (Epp. 8 pp. 82-84); De divortio, Anhang, Responsio 5 (pp. 244-246). In the latter text Hincmar rejects showing mercy to Ingiltrude because she is threatening to go over to the Vikings. This shows a specifically gendered approach to such a threat, in contrast to the concern shown when Baldwin threatened such a move (see above p 208).

²⁰¹ Concilium Triburiense 895 (Cap. II no 252 pp. 239-240) c 46.

and to the liturgical calendar. Such prohibitions seem to have drawn from a wide range of sources: Old Testament regulations, Stoic philosophy, patristic teachings and also popular religious notions of ‘impurity’.²⁰² Although the penitentials varied greatly in their specific details, by the eighth century intercourse was prohibited on so many days that the fecundity of couples may have been seriously affected.²⁰³

In contrast, there is surprisingly little emphasis on the need for periodic abstinence in other types of Carolingian texts. Most of the lay mirrors say little: Dhuoda and Paulinus do not mention the topic, while Alcuin makes only a very general comment about the need to ‘use’ a wife, ‘legitimately, at suitable times’.²⁰⁴ Jonas, however, clearly sees the topic as important and stresses the need to observe the ‘tempora coeundi et non coeundi cum uxoribus’.²⁰⁵ These include abstinence on the Tobias days and before receiving communion,²⁰⁶ avoiding sex with pregnant or menstruating wives;²⁰⁷ he also sees men as needing to be purified after intercourse.²⁰⁸

Jonas argues for these restrictions in the context of his wider attempts to regulate and limit sex. Following the church fathers, he stresses that even in marriage, sex is intended for procreation, rather than enjoyment.²⁰⁹ Those who do indulge in intercourse should take care to displease God as little as possible.²¹⁰ He goes so far as to endorse Jerome’s harsh view: the husband who loves his wife excessively is an

²⁰² (Flandrin 1983, Chapter 3)

²⁰³ (Flandrin 1983, Chapter 2)

²⁰⁴ DVV 18: ‘Qui mulierem habet legitimam, legitime utatur ea temporibus opportunis’.

²⁰⁵ DIL 2-3: this chapter does not specify what these times are.

²⁰⁶ DIL 2-2, 2-18.

²⁰⁷ DIL 2-7, 2-10.

²⁰⁸ DIL 2-11 (which also discusses the purification of women after childbirth, and, in the Clermont ms., the need for abstinence until the child is weaned). As (Schröder 1988, 88-92) explains, there are two different versions of this text, both composed by Jonas.

²⁰⁹ DIL 2-1, 2-6.

²¹⁰ DIL 2-1 (Clermont ms.): ‘Unde, quia de ordine conjugatorum hic agitur, summopere eis praevidendum est, ut sic ea quae mundi sunt agant, quatenus conditori suo minime displiceant.’

adulterer.²¹¹ Jonas' arguments for restricted times of intercourse reflect this emphasis on procreation and avoiding desire. Sex during pregnancy can only be for the sake of lust.²¹² Intercourse during a woman's period is banned by Leviticus and, according to Jerome and 'Augustine', produces deformed children.²¹³ Washing after intercourse and then refraining from entering holy places is an Old Testament purification ritual that should be understood symbolically as involving clearing the mind from sexual desire before approaching the sacred.²¹⁴ Jonas sometimes uses the language of pollution,²¹⁵ but unlike earlier penitentials, his focus is on sacred acts more than sacred times.²¹⁶

The limited references to marital abstinence in Carolingian capitularies and council acts similarly focus on sacred acts. Other than the Council of Paris in 829 (heavily influenced by Jonas),²¹⁷ only three other councils pronounced the matter.²¹⁸ Some bishops, however, discussed abstinence in their own capitularies,²¹⁹ again suggesting varying degree of interests. Carolingian moralists did not take up St

²¹¹ DIL 2-7 (quoting Jerome, *Adversus Iovinianum*, 1, 49): 'Adulter est, inquit, in suam uxorem amator ardentior'.

²¹² DIL 2-7.

²¹³ DIL 2-10 (citing Jerome, *Commentariorum in Hiezechielem libri xiv*, Book 6, 18, 5-9 and 'Augustine' (actually Caesarius of Arles, *Sermo* 44 c 7).

²¹⁴ DIL 2-11.

²¹⁵ See e.g. DIL 2-7 (quoting Ambrose, *Expositio Evangelii secundum Lucam*, 1, 44: 'At vero homines nec conceptis, nec Domino parcut: illos contaminant, hunc exasperant ... Ille operatur, et tu uteri secretum incestas libidine'.

²¹⁶ (Flandrin 1983, 31-33).

²¹⁷ *Episcoporum ad Hludowicum imperatorem relatio* 829 (Conc. 2 no 50 p 671) c 69 (abstinence from pregnant wives).

²¹⁸ Concilium Foroiuliense 796/797 (Conc. 2 no 21 p 194) c 13 (abstinence on Sundays); Concilium Cabillonense 813 (Conc. 2 no 37 p 283) c 46 (abstinence before communion). (The latter passage is repeated by Concilium Ingelheimense 829 (Conc. 2 no 45 p 552) c 10). Cf. *Capitulare generale Caroli Magni* 813 ((Mordek and Schmitz 1987, 416) c 7.

²¹⁹ See e.g. First capitulary of Theodulf (*Cap. episc.* 1 pp. 139-140) c 43 (abstinence in Lent); Second capitulary of Theodulf (*Cap. episc.* 1 pp. 152-153) c 1-9 (abstinence on Saturday nights and Sundays); Radulf of Bourges (*Cap. episc.* 1 p. 256) c 28 (abstinence before communion), 29 (abstinence in Lent).

Augustine's ideas of the 'marital debt'²²⁰ and develop this into a theology of compulsory marital sex as later canonists did.²²¹ Although they sometimes quoted the passage of St Paul on which this theory was based,²²² the marital debt to them showed largely the need for marital fidelity,²²³ and the avoidance of divorce.²²⁴

The penitentials also implied and sometimes explicitly stated that penance itself involved marital continence.²²⁵ Carolingian moralists and councils, however, while willing to demand marital abstinence from laymen doing penance for some serious offences,²²⁶ sometimes allowed marriage and marital sex during penance to avoid penitents falling into further sin.²²⁷

Lay attitudes

Apart from Jonas, Carolingian reformers (unlike the penitentials) thus seem surprisingly reluctant to regulate marital sex. This reluctance is also seen in one of the few specific cases known. According to Hincmar, a noble Frankish woman called Northild complained to Louis the Pious at the synod of Attigny in 822 about 'quaedam inhonesta' between herself and her husband Agenbert. Louis sent her to the synod of bishops, who in turn sent her to the judgement of the laity and married men, saying that they should judge such matters.²²⁸ The decision of the laymen, not

²²⁰ See above p 220.

²²¹ (Brundage 1987a, 198). LA 1-2 does implicitly blame Judith's adultery on Louis the Pious' failure to render the debt to his wife.

²²² 1 Corinthians 7: 3: 'Uxori vir debitum reddat: similiter et uxor viro.'

²²³ See e.g. DIL 2-4 (arguing that married men must not have concubines), 2-6 (in a chapter on the need for marital sex to be for offspring only); Wulfad of Bourges, Epistola 27 (Epp. 6 p 191).

²²⁴ See e.g. Hincmar, Epistola 135 (Epp. 8 p 82); Hrabanus, Epistola 29 (Epp. 5 p 447).

²²⁵ (Flandrin 1983, 219-220).

²²⁶ See e.g. Paulinus, Epistola 16 (Epp. 4 p 522)(murder of wife); Concilium et capitulae de clericorum percussoribus (Cap. I no 176 p 361) c 4 (deliberate killing of bishop); Concilium Moguntinum 847 (Conc. 3 no 14 p 171) c 20 (parricides).

²²⁷ See e.g. Council of Mainz 861x863 (Conc. 4 no 12 p 131); Concilium Triburiense 895 (Cap. II no 252 p 247) canones extravagantes c 3. Cf. Nicholas I, Epistola 139 (Epp. 6 p 659); John VIII, Epistola 157 (Epp. 7 p 130).

²²⁸ (Nelson 1999b, 13-15); De Divortio, Responsio 5 pp. 141-142.

surprisingly, was in favour of Agenbert.²²⁹ Ecclesiastical acceptance of a lay decision in this case may have been largely about the political needs for reconciliation at Attigny,²³⁰ but it may also indicate that clerical moralising about marital sex was particularly problematic.²³¹

Jonas' mirror certainly suggests particular resistance by at least a minority of laymen. In his chapters on sexual behaviour, he several times states that some laymen contend a practice is allowable: they do not just disobey a moral code, but actively oppose it. Their objections are overwhelmingly those about what married men are allowed to do sexually with their wives.²³² For example, Jonas writes:

There are very many leading a married life, who take care to distinguish very modestly between the times of uniting and not uniting with wives; also there are those who not only reject having the mode of this discretion, nay rather they are accustomed shamelessly to oppose themselves to those censuring and contradicting. Our wives, they say, are joined to us by law; if we use them at our will, when and how we want, we do not sin.²³³

In one version of *De institutione laicali*, some laymen go further. When Jonas says that married men should not have intercourse with pregnant wives he adds:

²²⁹ Cf. Hincmar Epistola 136 (Epp. 8 p 88) who says that the dispute between Count Raymund and Stephen over Stephen's marriage should have been settled between themselves, rather than brought to a synod.

²³⁰ (Nelson 1999b, 15).

²³¹ Cf. *De divortio*, Responsio 15 p 205, where a man suffering from impotence with his wife goes to the bishop only after two years' suffering: 'quia aliud iam inde consilium inveniri non poterat, hinc necessitate cogente concursus est'.

²³² DIL 2-3 (times of sex for married people); 2-6 (married sex for the sake of offspring not pleasure); 2-7 (no sex with pregnant wives); 2-9 (opposing view that God-given sexuality need not be restrained at all); 2-10 (sex with menstruating wife); 2-11 (Clermont ms.) (sex with nursing mother); 2-12 (prohibiting divorce). Jonas also refers to objections by laymen to non-sexual moral rules (see e.g. DIL 1-20 (laws of God apply to both clerics and laity); 2-23 (prohibiting dicing); 3-6 (opposing view that food can be eaten at will). However, such references to opposition are less frequent than in his chapters on sexual morality.

²³³ DIL 2-3: 'Sunt plerique conjugalem ducentes vitam, qui tempora coeundi et non coeundi cum uxoribus pudicissime discernere student; sunt etiam qui hujus discretionis modum non solum habere renuunt, quin potius se castigantibus et redarguentibus impudenter objicere solent. Uxores, inquiunt, nostrae nobis lege conjunctae sunt; si pro libitu nostro eis quando et qualiter volumus, utimur, non peccamus.'

when they are admonished about coition of this time they should not loosen mouths to immoderate laughter, but rather convert themselves to correction, and contrition and penitence of the heart.²³⁴

Some scholars have argued, based on the penitentials, that church campaigns to regulate times of intercourse achieved some success by the eighth and ninth centuries.²³⁵ Flandrin, indeed, sees the very lack of preaching about the issue in the period as proof that married couples generally accepted the regulations.²³⁶ Jonas' comments, however, suggest that some men, remained obdurate about their marital freedom.²³⁷ Most Carolingian moralists do not seem to have seen it as a priority to correct their behaviour, although they were prepared to interfere in domestic patriarchy (and oppose secular laws) when it came to wife-killing.

4.6 ADULTERY AND POLYGAMY

Christianity brought an important moral change to the definition of adultery. In Old Testament, Roman and early barbarian law, adultery was largely an offence by married women; the wife's lover was the only guilty male party. A married man sleeping with an unmarried woman might be guilty of another offence (depending on the status of the woman), but not of adultery.²³⁸ In contrast, Jesus' teaching on divorce made some remarriages adulterous,²³⁹ and St Paul condemned all sexual relationships outside marriage. Patristic writers and early councils imposed severe penances on

²³⁴ DIL 2-7 (Clermont ms.): 'Et quod cum super hujusmodi concubitu admonentur, non ad cachinnationem ora dissolvere, sed magis ad correctionem, et ad contritionem et poenitudinem cordis se debeant convertere.'

²³⁵ (Meens 1998a, 293): 'the taboo on having sexual intercourse during forbidden periods was already embedded so deeply that a deliberate transgression of it was thought to have magical effects.'

²³⁶ (Flandrin 1983, 143-153).

²³⁷ DIL 2-9's title is 'Contra impudicos qui dicunt, cum genitalia a sapientissimo creatore Domino sint creata, cur mutuus patiatur ardor, et non potius pro uniuscujusque libitu libido exerceatur'.

²³⁸ (Brundage 1987a, 30-31, 55, 132)

²³⁹ Matthew 19:9; Mark 10: 11-12; Luke 16: 18.

male adulterers,²⁴⁰ while Caesarius of Arles in particular insisted that a married man could not have a concubine.²⁴¹

The moral status of polygamy, unlike adultery, had already begun to change before the arrival of Christianity. Polygamy (technically polygyny) had been practised by the ancient Hebrews, but the Roman idea of marriage was monogamous (even if concubines were acceptable).²⁴² The early Fathers condemned contemporary Jewish polygamy, while finding excuses for God-sanctioned multiple marriages in the Old Testament.²⁴³ The Merovingian kings may have practised polygamy (although this is debated),²⁴⁴ but examples are not known from the Carolingian period.

Carolingian authors, like earlier ones,²⁴⁵ used *adulterium* in a broad as well as a specific sense.²⁴⁶ It was one of the many crimes that ‘wicked’ men committed²⁴⁷ or that were seen as characteristic of disordered times.²⁴⁸ It was sometimes seen as a

²⁴⁰ (Brundage 1987a, 61, 72).

²⁴¹ (Sheehan 1991, 176-177).

²⁴² (Brundage 1987a, 33, 52).

²⁴³ (Brundage 1987a, 65-66).

²⁴⁴ (Wemple 1981, 38-40; Stafford 1983, 73-74).

²⁴⁵ (Flandrin 1983, 115-116): to some patristic writers married couples became adulterers when they used contraception or loved each other ‘excessively’.

²⁴⁶ See e.g. *Capitula italica* (Cap. I no 105 p 215) c 1 (nuns can commit *adulterium*); AB 853: ‘Lotharius imperator, defuncta...Ermengarda christianissima regina, duas sibi ancillas ex uilla regia copulat...aliique filii eius similiter adulteriis inseruiunt.’

²⁴⁷ LE 53: the ‘carnales et amatores hujus mundi’ say: ‘Faciam homicidium, perjurium, adulterium, fornicationem, et postea dabo Domino redemptionem meam’; Programmatic capitulary 802 (Cap. I no 33 p 96) c 25: Charlemagne wants officials who will not conceal ‘fures, latronesque et homicidas, adulteros, malificios adque incantatores vel auguriatrices omnesque sacrilegos’; *Allocutio missi cuiusdam divionensis* 857 (Cap. II no 267 p 292) c 8: each priest must make a list of the malefactors in his parish, ‘videlicet raptos, rapaces, adulteros, incestos, homicidas, latrones’.

²⁴⁸ See e.g. *Episcoporum de poenitentia, quam Hludowicus imperator professus est, relatio Compendiensis* 833 (Cap. II no 197 p 55) c 6: Louis the Pious’s expeditions are alleged to have been marked by innumerable offences ‘in homicidiis et periuriis, in sacrilegiis, in adulteriis, in rapinis, in incendiis’; Council of Anjou (?) 850 (Conc. 3 no 20) Complaint of West Frankish bishops to Nomenoe p 204: ‘Cupiditate tua vastata est terra christianorum, templa dei partim destructa, partim incensa...maxima multitudo hominum vel interfecta vel servitutem oppressa,...adulteria et corruptiones virginum passim commissae’; *Synodus Pontigonensis* 876 (Cap. II no 279E p 350): Louis the German’s men are alleged to have carried out ‘caedes...homicidia, adulteria, fornicationes, rapinas, sacrilegia et cetera flagitia’.

‘public sin’ that must be cleansed in order to ensure God’s favour.²⁴⁹ In these contexts ‘adultery’ seems to have had largely rhetorical significance, often linked with serious but non-sexual crimes. Adultery in the more specific sense of extramarital intercourse was, however, clearly seen as a serious matter.²⁵⁰ Indeed Paschasius called adultery with the queen the ‘ultimate’ vice.²⁵¹

Secular laws punished married adulteresses far more than married adulterers,²⁵² while in the penitentials adultery by laymen received relatively light penances.²⁵³ Capitularies and councils, however, show that adultery was not seen solely as an offence of married women and their lovers. Married men and women were both penalised for adulterous incest (intercourse with relatives by marriage).²⁵⁴ An unmarried man with a concubine was allowed to discard her and marry,²⁵⁵ but married men could not have concubines.²⁵⁶ Hincmar argued that even a man in a marriage subsequently found to be invalid must do penance for any extramarital

²⁴⁹ See e.g. *Hlotharii capitulare de expeditione contra Saracenos facienda* 846 (Cap. II no 203 p 66) c 6: ‘quicumque publicis sint inretiti flagitiis, hoc est incestos, adulteros, stupratores vel qui eas eciam in coniugium acceperunt, homicidas, sacrilegos, aliernarum rerum pervasores atque praedones’.

²⁵⁰ A man is justified in leaving his lord if the lord commits adultery with his wife: *Capitulare Aquisgranense* (Cap. I no 77 p 172) c 16; *Capitula francica* (Cap. I no 104 p 215) c 8. Council of Mainz 852 (Conc. 3 no 26 pp. 248-249) c 11 saw the offence of Albgis, who publicly abducted Patrichus’ wife, as being compounded by his taking her among the newly Christianised Moravians, so that ‘crimine adulterii ecclesiam Christi diffamavit’.

²⁵¹ EA 2-11: ‘pro depulsione vitiorum et abominationum, pro adulterio, quod ultimum est’.

²⁵² On married women, see above pp. 221-222. The wife’s lover, however, could be punished severely. *Capitulare Olonnense* 822x823 (Cap. I no 157 p 317) c 3: ‘Si quis adulter cum adultera comprehensus, secundum edicta legis Langobardorum [Edictum Rothari c 212] marito adulterae ambo ad vindictam traditi fuerint.’ *Vita Gangulfi* c 9: Gangulf’s wife and lover decided to kill him, fearing ‘ne forte, zelo iracundiae succensus, beatus Gangulfus repentino ambos interitu necaret’.

²⁵³ (Payer 1984, 20-23, 132-133).

²⁵⁴ See above p 212.

²⁵⁵ *Concilium Moguntinum* 852 (Conc. 3 No 26 p 249) c 12. *Concilium Triburiense* 895 (Cap. II no 252 p 235) c 38 quotes Leo I on the procedure for marrying a concubine.

²⁵⁶ *Capitula cum Italiae episcopis deliberata* (Cap. I no 96 p 202) c 5; Council of Rome 826 (Conc. 2 no 46B p 582) c 37 (which also bans having two wives, one of the rare references to bigamy); *Episcoporum ad Hludowicum imperatorem relatio* 829 (Cap. II no 196 p 45) c 54; Council of Mainz 852 (Conc. 3 no 26 p 250) c 15.

intercourse during its duration.²⁵⁷ Yet this consistency between the sexes was not always maintained, with some councils apparently deliberately omitting mention of married men involved with unmarried women.²⁵⁸

Views also differed on whether a pair of adulterers could marry after the death of the innocent spouse.²⁵⁹ The Council of Meaux-Paris in 845/846 allowed this (after penance) provided the spouse was not murdered and there was no other impediment to the marriage,²⁶⁰ but the Council of Tribur specifically prohibited a man marrying a woman with whom he had previously committed adultery.²⁶¹

Most of the lay mirrors mention adultery only in passing,²⁶² but Jonas gives a detailed account of the need for married men to be faithful to their wives and not take a concubine.²⁶³ Jonas' argument, drawing on St Paul and the Fathers, is largely based on equality between husband and wife. Husbands should not commit adultery, if they do not want their wives to. It is wrong to demand a higher moral standard from women than men.²⁶⁴ Yet Jonas was aware that he was fighting against social conventions and contemporary law. He condemns men's excuses that they are only

²⁵⁷ Hincmar, *Epistola* 136 (Epp. 8 p 105): 'Unde Stephanus...quoniam post tale conubium, antequam legaliter dissolveretur, quod quasi legaliter visum fuit initum, alios pravo exemplo destruens concubina usus fuisse dicitur...paenitentiam regularem suscipiat.' Cf. *De divortio*, *Interrogatio* 20 p 219.

²⁵⁸ Compare the following specifications of who is liable for seven years penance for the sin: Hrabanus, *Poenitentiale* c 21 (quoting Council of Ancyra c 17): 'Si cuius uxor adulterata fuit, vel si ipse adulterium commiserit'; Council of Worms (Conc. 4 no 28A p 279 c 39: 'Si cuius uxor adulterium fecerit, aut vir in alienam uxorem irruerit'.

²⁵⁹ (Gottlob 1954, 341-344).

²⁶⁰ Conc. 3 no 11 p 117 c 69.

²⁶¹ Concilium Triburiense 895 (Cap. II no 252 pp. 236-237, 241) c 40, 51. In c 49 (p 240) those who have produced children in an adulterous relationship are barred from cohabiting or any private contact ('sub uno non cohabitare tecto nec familiari frui colloquio, excepto in ecclesia et in publico'). *De divortio*, *Responsio* 21 pp. 220-226 similarly argued that even if Lothar II could marry again, he could not marry Waldrada.

²⁶² See e.g. LM 4-6. In contrast to St Augustine's mother ((Shaw 1987, 30-31)) she does not worry particularly about her son's attraction to other men's wives.

²⁶³ DIL 2-4.

²⁶⁴ DIL 2-4 (quoting Jerome, *Epistola* 77 c 3: 'Apud nos quod non licet feminis, aequè non licet viris: eadem servitus pari conditione censetur.'

sleeping with their slaves or with prostitutes,²⁶⁵ and adds: 'Let no one flatter himself about human laws: all *stuprum* is adultery...the same chastity is owed by the husband as by the wife'²⁶⁶

Jonas' passing reference to polygamy, however, show the limits of his concept of equality. His discussion of adultery includes a passage from Ambrose justifying Abraham taking a slave concubine, Hagar. This was acceptable since God had not yet condemned adultery and Abraham was motivated only by a desire for children.²⁶⁷ Jonas then adds that contemporary husbands should not have *ancillae* as concubines because this causes strife within the household:

intemperance of this kind dissolves the charity of marriage, makes serving maids proud, matrons wrathful, discordant, stubborn, concubines insolent, husbands shameless²⁶⁸

There is an implicit link to the domestic strife that Abraham's actions created,²⁶⁹ but his behaviour is not specifically condemned. Marital equality, for Jonas, seems to be a historically contingent concept, valid only from the time of Jesus. Other Carolingian moralists seem similarly accepting of Old Testament polygamy.²⁷⁰

²⁶⁵ DIL 2-4 (quoting Augustine, Sermo 9, 11): 'Sine causa vos excusare conamini, quando dicitis: Nunquid eo ad uxorem alienam? Ad ancillam meam eo.'

²⁶⁶ DIL 2-4: (quoting Ambrose, De Abraham, Book 1, 4, 25): 'Nemo sibi blandiatur de legibus hominum: omne stuprum adulterium est...Eadem a viro quae ab uxore debetur castimonia.' *Stuprum* in Roman law was 'habitual sexual intercourse with an unmarried, free woman.' ((Brundage 1987a, 29)), but it is not clear whether Ambrose is using a specific definition.

²⁶⁷ DIL 2-4 (quoting Ambrose, De Abraham, Book 1, 4, 23-24).

²⁶⁸ DIL 2-4 (quoting Ambrose, De Abraham, Book 1, 4, 26): 'hujusmodi intemperantia solvit charitatem conjugii, superbas ancillas facit, iracundas matronas, discordes, contumaces, concubinas procaces, inverecundos maritos.'

²⁶⁹ Genesis 16.

²⁷⁰ De coercendo 14 says that if King David had not killed Uriah, he could have legitimately married his wife when she was widowed: 'qui pro conditione temporis illius non prohibebatur plures habere uxores'. LM 4-6 praises Biblical patriarchs shown as having one wife, concubines and multiple wives.

4.7 DIVORCE AND REMARRIAGE²⁷¹

Discussions of Carolingian ideas about divorce and remarriage are complicated by the terminology of the sources. Capitularies and councils use a variety of terms, of which *separare* and *dimittere* are by far the most common.²⁷² To the dismay of some modern canonists, these terms conflate different legal situations, such as a marriage which is null *ab initio* and one which is initially valid, but subsequently ended. However, although there are no technical terms distinguishing between separations which preserve the marital bond and those which dissolve it and permit subsequent remarriage,²⁷³ many texts do explicitly state whether remarriage is allowed or forbidden one or both of the ‘separated’ spouses.²⁷⁴ I will focus on these cases, since these alter men’s sexual options.

New Testament teaching on divorce was far more restrictive than previous attitudes. Ancient Jewish law always permitted men to initiate divorces,²⁷⁵ while classical Roman law allowed divorce at the will of either spouse.²⁷⁶ In contrast, Jesus explicitly restricted grounds for separation to (female) adultery and even in this case was loath to allow remarriage.²⁷⁷ This position was followed by the early church Fathers,²⁷⁸ although it was occasionally claimed that other cases also merited separation.²⁷⁹ Emperors from Constantine onwards began to introduce legal

²⁷¹ This sections focuses on remarriage after divorce. Remarriage for widowers in the period rarely seems to have been morally contentious, although there was some regulation of the remarriage of widows (see (Nelson 1995, 84, 90-93)). For a survey of the earlier Christian tradition, see (Kötting 1982).

²⁷² (Fransen 1977, 612-614).

²⁷³ (Gaudemet 1988, 13-20). Councils also say nothing about what ‘separatio’ means in practical terms ((Fransen 1977, 627))

²⁷⁴ See e.g. Decretum Compendiense 757 (Cap. I no 15 p 38) c 15: ‘Si quis filiastram aut filiastrum ante episcopum ad confirmationem tenuerit, separetur ab uxore sua et alteram non accipiat. Similiter et femina alterum non accipiat.’

²⁷⁵ (Brundage 1987a, 53).

²⁷⁶ (Gaudemet 1987, 40-41; Reynolds 1994a, chapter 2).

²⁷⁷ (Brundage 1987a, 58) As (Gaudemet 1987, 45-46) points out, only Matthew 19, 9 allows this exception to the ban on divorce: in the other gospels, the ban is complete.

²⁷⁸ (Brundage 1987a, 68).

²⁷⁹ See e.g. (Gaudemet 1987, 71) (conversion of one spouse in non-Christian marriage).

restrictions on divorce; these were generally more restrictive on women than men.²⁸⁰ Similarly, barbarian *leges* allowed divorces to men far more readily than to women,²⁸¹ although Merovingian formularies include formulae for divorce by mutual agreement.²⁸² Merovingian councils rarely contain prohibitions of divorce, although some earlier Gallic ones had.²⁸³ Most penitentials, however, saw marriage as indissoluble.²⁸⁴

Carolingian developments

As scholars have shown, the trend of Carolingian legislation was consistently towards restricting divorce.²⁸⁵ Capitularies from the 750s allowed divorce and remarriage in a variety of circumstances.²⁸⁶ In 789, however, Charlemagne announced that a separated husband and wife could not remarry when their spouse was alive.²⁸⁷ This view was repeated by a number of subsequent assemblies and councils.²⁸⁸ The new condemnations of divorce were based explicitly on New Testament prohibitions, earlier canons and patristic writings.²⁸⁹ Jonas, however, whose arguments are mainly scriptural, also briefly introduces the theme of male and female equality. Men who

²⁸⁰ (Gaudemet 1987, 78-81).

²⁸¹ (Wemple 1981, 42-43).

²⁸² (Gaudemet 1987, 107).

²⁸³ (Fransen 1977, 623-624).

²⁸⁴ (Kottje 1981, 26-29).

²⁸⁵ (McNamara and Wemple 1976, 102-111).

²⁸⁶ See e.g. *Decretum Compendiense* 757 (Cap. I no 15, pp. 38-39) c 9 (vassal who returns to relatives of dead lord and given new wife), c 10-11, 13, 17-18 (adulterous incest), c 16 (one spouse entering monastery), c 19 (leprosy); *Decretum Vermeriense* (Cap. I no 16 pp. 40-41) c 5 (wife trying to kill husband), c 9 (desertion), c 17 (non-consummation).

²⁸⁷ *Admonitio generalis* 789 (Cap. I no 22 p 56) c 43.

²⁸⁸ *Capitulare missorum item speciale* 802 (Cap. I no 35 p 103) c 22; *Concilium Foroiuliense* 796/797 (Conc. 2 no 21 pp. 192-193) c 10; *Concilium Parisiense* 829 (Conc. 2 no 50 p. 671) c 69.

²⁸⁹ *Admonitio generalis* c 43 cites the 'Concilium Africanum', while *Concilium Foroiuliense* c 10 uses Jerome, *Commentariorum in Matheum libri iv* to clarify Jesus' comments in Matthew 19, 9.

suffer adversity or illness do not allow their wives to abandon them; similarly they ought to remain with their wives in all circumstances, except in the case of fornication.²⁹⁰ (Jonas allows separation in this case, but not remarriage).²⁹¹

Jonas says that many laymen resist the explicit statement of Christ prohibiting divorce.²⁹² The incorporation of prohibitions into secular law by assemblies, however, suggests at least some acceptance by the magnates of the new prohibitions. Ninth-century divorce cases similarly show a general acceptance of the principles restricting divorce combined with attempts to circumvent them. The most notorious case is Lothar II's attempt to divorce Theutberga and marry Waldrada, which produced numerous debates.²⁹³ Other elite males also encountered problems. Falcric, a vassal of Lothar I, was excommunicated by Hincmar.²⁹⁴ Nor was enforcement of the rules confined to rigorists like Hincmar. Count Boso's wife, Ingiltrude, the daughter of Matfrid of Orléans escaped to Francia with her lover, and repeated attempts by Popes Benedict and Nicholas I to make her return to her husband failed. In 867, after more than ten years of her absence,²⁹⁵ Nicholas complained to Louis the German how hard he had tried to make Ingiltrude return. Boso, meanwhile, was suffering 'no little hardship', since he could neither be reconciled to his wife while she was absent, nor remarry while she was alive.²⁹⁶ As a result, he was now 'insolent' to the Pope,

²⁹⁰ DIL 2-12.

²⁹¹ DIL 2-13.

²⁹² DIL 2-12: 'Sunt enim plerique laicorum, qui huic sententiae, [Matthew 19: 9] imo legi Christi resultantes, libitum carni suae sibi legem facere non verentur.'

²⁹³ (Devisse 1975-76, 367-466) and (Airlie 1998a, 12-16) both argue that the bishops involved were not purely motivated by political concerns, but were making serious attempts to confront the moral and legal issues.

²⁹⁴ Flodoard of Rheims, *Historia Remensis ecclesiae* 3-10.

²⁹⁵ AB 863: Ingiltrude had been absent for about seven years.

²⁹⁶ Nicholas I, *Epistola* 49 (Epp. 6 p 333): 'non vos latere credimus, quot et quantos labores pro refuga illa Bosonis uxore saepe pertulimus...vir autem eius, innocens videlicet, in illius absentia hinc inde labore non modico fatigatur, quoniam nec ipsi reconciliari absenti praevallet nec alterius illa vivente consortium ei coniugale conceditur.' Nicholas I, *Epistola* 53 (Epp. 6 pp. 341-342) summarizes the events. There are several other papal letters demanding that wives return, which may indicate similar problems see e.g. John VIII, *Epistola* 154, *Fragmenta* 54-55 (Epp. 7 pp. 129, 307-309).

‘wanting ardently to run into a second, nay rather, illicit marriage.’²⁹⁷ Despite his efforts to assist Boso, however, Nicholas would not compromise on this point. Instead, he wearily asked Louis to make yet another attempt to force Ingiltrude to return.

Carolingian changes on divorce could thus impact heavily even on ‘innocent’ men. Nevertheless, in a few cases divorce and remarriage was still possible. The enslavement of one spouse seems sometimes to have been grounds for the other to divorce them.²⁹⁸ Jonas complained about those who did this ‘by secular law, not the law of Christ.’²⁹⁹ The Council of Tribur ruled that in the case of a freeman who had himself enslaved in order to obtain a divorce, his wife should neither be divorced nor reduced into slavery with him, since she had not consented to his enslavement.³⁰⁰ As discussed above,³⁰¹ some moralists held that incestuous marriages could be ended and the partners could enter new marriages, or that remarriage was possible in cases of adulterous incest, but there was no consensus on such matters.

Non-consummation also remained a reason to allow remarriage. Several councils and moralists stated that if a woman could prove her husband has not slept with her, she could remarry.³⁰² In most cases, nothing is said about the husband remarrying, probably because he was presumed to be impotent and thus had (in the

²⁹⁷ Nicholas I, Epistola 49 (Epp. 6 p 333): ‘Qua de re quoniam improbitatem et insolentiam eiusdem viri continuam patimur, volentis scilicet ardentem ad secundum, immo illicitum convolare conubium, obnixae dilectionem vestram deprecamur, ut pro revocanda ea omne studium pro Dei amore sumatis’.

²⁹⁸ Decretum Vermeriense (Cap. I no 16 p 40) c 6 allowed this in general, but banned divorce in the case where one spouse had sold him or herself to prevent the other starving and they had consented.

²⁹⁹ DIL 2-12: ‘Sunt namque nonnulli qui, dum liberae conditionis sortitos se putant esse uxores, si aliqua occasione postea servituti subactae fuerint, illico eas a jure conjugii scindunt: et hoc lege mundi faciunt, non lege Christi.’ Decretum Compendiense 757 (Cap. I no 15 p 38) c 7-8 allowed divorce and remarriage to those who had unknowingly married slaves, but not to those who knowingly did so.

³⁰⁰ Concilium Triburiense 895 (Cap. II no 252 p 247) canones extravagantes c 2.

³⁰¹ See pp. 213-214.

³⁰² Decretum Vermeriense (Cap. I no 16 p 41) c 17; Hrabanus, Poenitentiale c 29. Concilium Triburiense 895 (Cap. II no 252 p 207) Iudicia c 5 discusses the case of a wife whose husband could not have intercourse and who then slept with his brother. The adulterers in this case must do penance, but are then allowed to marry, although not each other.

moralists' terms) no reason for marrying. Hincmar, however, allowed remarriage for men when a marriage has not been consummated,³⁰³ but only after an examination of the causes of impotence. Only if it was incurable was separation and remarriage allowed. Hincmar, unusually, also produced a theological justification for allowing remarriage in this case. He argued that a marriage was not sacramental if it had not been consummated.³⁰⁴ This view was contrary to some patristic authors;³⁰⁵ Hincmar therefore had to develop patristic ideas along new lines to justify his conclusions.³⁰⁶ Lothar II tried to use Theutberga's sterility as grounds for divorce and remarriage, but although this view was seemingly acceptable to some clerics, others firmly opposed it.³⁰⁷

Moralists were aware of possible abuses of the system. Hincmar said that many wives make false claims about non-consummation.³⁰⁸ The Council of Tribur ruled against a Frankish noble, who after a long marriage to a Saxon noblewoman, claimed that he was not validly married to her by Frankish law.³⁰⁹ More leeway was offered to would-be divorcés by the problems of distinguishing marriage from concubinage. Carolingian authors tended to rely on a text of Pope Leo I, in which a wife was distinguished by having been given a dowry and publicly married.³¹⁰ Yet

³⁰³ Hincmar, Epistola 136 (Epp. 8 p 105): 'Addendum etiam necessarium duximus, ut his sanctorum sententiis cognoscamus nuptias, quas concubitus pro quibusdam causis non sequitur, solvi posse et propter incontinentiam feminas ad alias convolare valere.'

³⁰⁴ Hincmar, Epistola 136 (Epp. 8 p 93): 'Nec habeant nuptiae in se Christi et ecclesiae sacramentum...si eas non subsequitur commixtio sexuum.'

³⁰⁵ (Gaudemet 1980, 29-32; Clark 1991, 22-31).

³⁰⁶ (Fransen 1983, 140-141) shows (against (Gaudemet 1980, 33-36)) that Hincmar did not distort his quotations from the Fathers, but did develop arguments beyond theirs.

³⁰⁷ (Kottje 1981, 31-32; Airlie 1998a, 31).

³⁰⁸ De divortio, Responsio 2 p 128. Husbands, meanwhile, made allegations about wives 'quae hic inserere turpissimum vel superfluum ducimus'.

³⁰⁹ Concilium Triburiense 895 (Cap. II no 252 p 207) Iudicia, c 4. The council stated as a general rule (p 235-236 c 39) that someone married to an 'alienigena' by the law of either spouse, with the legitimate consultation of the relatives of both, could not be separated except for fornication.

³¹⁰ The text is from Leo I's response to Rusticus of Narbonne on how a concubine might be turned into a wife: 'illa mulier et ingenua facta, et dotata legitime, et publicis nuptiis honestata videatur.' (See (Gaudemet 1980, 30)). It was repeated by e.g. Hincmar, Epistola 136 (Epp. 8 p 92); Concilium Triburiense 895 (Cap. II no 252 p 235) c 38.

uncertainties about the matter were still exploited, for example in claims that Waldrada had been legally married to Lothar II.³¹¹ Similarly, Falcrius claimed to Pope Leo IV that his supposed first marriage had only been a relationship with a concubine.³¹² There is no indication that Leo actually investigated the matter: he refers only to Falcrius's highly suspect statement.³¹³ Falcrius says that the woman entered the convent with his 'licentia'; since there is no indication that she was a slave he was freeing, such permission would have been needed only if she was his wife. Falcrius then adds that because he could not abstain from 'marital consort', he took 'another wife'.³¹⁴ Nevertheless, the Pope seemingly accepted Falcrius's account and reprimanded Hincmar severely for excommunicating Falcrius.

4.8 'UNNATURAL' SEX

Sexual activities involving two men have historically been categorised in variable ways in the West. Classical culture focused on the distinction between active and passive sexual roles more than object choice: male-male sexual activity was referred to differently depending on the particular actions perpetrated or 'suffered'.³¹⁵ Christian writers, however, rarely maintained this distinction between active and passive sexual behaviour.³¹⁶ Peter Damian coined the word *sodomia* in the eleventh century,³¹⁷ while the term 'homosexuality' is a late-nineteenth century invention, developed, as Foucault shows, as part of a specific discourse essentialising sexual identities.³¹⁸ Carolingian sources use a variety of terms for (male) homosexual activity. There are a number of references to Sodom, yet texts also sometimes equate

³¹¹ AB 864.

³¹² Leo IV, Epistola 22 (Epp. 6 p 599).

³¹³ There is no mention of Falcrius even swearing an oath.

³¹⁴ Leo IV, Epistola 22 (Epp. 6 p 599): 'cum post hoc factum nullatenus me a coniugali consorcio abstinere possem, ilico aliam duxi uxorem'.

³¹⁵ (Parker 1997, 48-50).

³¹⁶ (Payer 1984, 135-136).

³¹⁷ (Jordan 1997, 29).

³¹⁸ (Foucault 1978, 42-43).

some forms of heterosexual intercourse with ‘Sodomite’ behaviour.³¹⁹ The most frequent term for male-male sexual activity saw this as part of a wider category: those who acted ‘against nature’. Hincmar described the ‘Sodomitical sin’ as one that a man committed by a shameful act ‘contra naturam’ with a male or woman.³²⁰ Hrabanus’ penitential linked together as ‘fornicating irrationally’ those who coupled with animals or males.³²¹ The boundaries of such ‘unnatural’ behaviour were disputed territory. Hincmar complained that some people wrongly claimed that non-penetrative acts were not sodomitical, misapplying a Biblical verse.³²² This section will concentrate on male homosexual activity and bestiality, while remaining aware that other sexual sins might also be considered ‘unnatural’.

There has been very little research specifically on medieval views of bestiality,³²³ but there are a number of studies of ‘homosexuality’ in the Middle Ages. The most influential research has been by John Boswell, although his main conclusion, that there was relatively little hostility to ‘gay people’ until the twelfth century,³²⁴ has not been generally accepted.³²⁵

³¹⁹ (Boswell 1980, 202-204).

³²⁰ De divortio, Responsio 12 p 181: ‘Nemo igitur dicat, non perpetrare eum peccatum sodomitanum, qui contra naturam in masculum vel in feminam turpitudinem operatur’.

³²¹ Hrabanus, Poenitentium liber ad Otgarium c 6: ‘de his qui fornicantur irrationabiliter, id est, qui miscentur pecoribus, aut cum masculis polluuntur’.

³²² De divortio, Responsio 12 p 179: ‘Et eorum assertio nefandissima destruat, qui asstruunt non esse scelus sodomitanum, nisi quando intra corpus, id est in membro obscene partis corporeae, videlicet intra aqualiculum, fornicatur, male et inproprie testimonio abutentes apostoli [1 Corinthians 6: 18]: Omne peccatum quodcumque fecerit homo, extra corpus est: qui autem fornicatur, in corpus suum peccat.’

³²³ One exception is (Salisbury 1991).

³²⁴ (Boswell 1980, 333-334). Boswell’s use of the term ‘gay persons’ has also been controversial. His later definition, however ((Boswell 1989, 35)): ‘those whose erotic interest is predominantly directed toward their own gender’ does define a group seemingly present in all societies. However, it produces its own difficulties in deciding what counts as ‘erotic’.

³²⁵ See e.g. (Payer 1984, 135-139; Johansson and Percy 1996, 178-179).

Carolingian attitudes

While Roman ethics saw some forms of male homosexual behaviour as acceptable and even laudable,³²⁶ and did not prohibit bestiality,³²⁷ the Old Testament condemned both men 'lying' with men and bestiality.³²⁸ The New Testament also condemned homosexual acts,³²⁹ and patristic thought and early councils prohibited both homosexual acts and bestiality and severely penalised them.³³⁰ Yet male Christian authors from late antiquity onwards also wrote poetry and letters celebrating their love for men.³³¹

Boswell's claim that homosexual activity was generally tolerated in the eighth to tenth centuries³³² is not supported by the penitentials, which devote considerable attention to various forms of male and female homosexual contact and penalise some acts severely.³³³ (They also provide penances for bestiality, although these are often less severe).³³⁴ Similarly, Alcuin in a discussion of Genesis, claims the text shows that God punishes 'natural' sexual sin (men with women) less than that 'contra naturam' (men with men).³³⁵

Moralists in other genres also firmly condemned such behaviour. Charlemagne in 789 demanded severe penance on those (men) sinning 'against nature with beasts

³²⁶ (Veyne 1985; Richlin 1993, 525).

³²⁷ (Salisbury 1991, 173-174).

³²⁸ (Boswell 1980, 100, 154).

³²⁹ (Bailey 1955, 37-41). The argument by (Boswell 1980, 106-117) that Paul did not oppose all 'homosexual practice' has not been generally accepted.

³³⁰ (Bailey 1955, 82-91).

³³¹ (Boswell 1980, 133-134, 186-193). I will not discuss such texts further, both because they seem to have been written largely for a clerical or monastic audience and also because of the extreme difficulty in deciding whether or not they are 'erotic.'

³³² (Boswell 1980, Chapter 7).

³³³ (Payer 1984, 40-44; Frantzen 1998, 149-163).

³³⁴ (Payer 1984, 44-46). (Salisbury 1991, 176-179): penances for bestiality were increasing from the seventh and eighth centuries.

³³⁵ (Godden 1995, 99-100).

or males'.³³⁶ He called on bishops and priests imposing penance to ensure such behaviour did not become a 'custom'.³³⁷ In 802 rumours that some monks were sodomites caused 'the greatest sadness and disturbance'.³³⁸ Charlemagne threatened extreme punishment on future perpetrators and those who failed to correct them.³³⁹ As De Jong comments: 'The wording of the Capitulary suggests that this was a reaction against a very particular and local scandal, which nonetheless threatened to affect the whole of the realm'.³⁴⁰

Such an apocalyptic view of 'unnatural sins' is also reflected in other sources. The Council of Paris saw 'pollution with males and animals'³⁴¹ as one of the sins particularly arousing God's anger and hence causing the current punishment of the realm by famine and pestilence, the weakening of the church and the endangering of the kingdom.³⁴² It complained that some priests were using penitentials to justify

³³⁶ *Admonitio generalis* 789 (Cap. I no 22 p 57) c 49: 'qui cum quadrupedibus vel masculis contra naturam peccant'. This prohibition was based on a (mistranslated) section of the Council of Ancyra 314. ((Bailey 1955, 86-89): the Greek original seemingly refers only to bestiality.)

³³⁷ 'Quapropter episcopi et presbyteri, quibus iudicium penitentiae iniunctum est, conentur omnimodis hoc malum a consuetudine prohibere vel abscondere.' Similarly the Council of Aachen 860 (Conc. 4 no 2 p 10) c 18 was concerned 'ne forte... talis consuetudo inolescatur... et fornicari contra naturam in proprio genere leve hoc aestimans malum, licentius assuescat.'

³³⁸ Programmatic capitulary 802 (Cap. I no 33 pp. 94-95) c 17: 'Maxime contristat et conturbat... ut aliquis ex monachis sodomitas esse auditum.'

³³⁹ (p 95): 'Certe si amplius quid tales ad aures nostras pervenerit, non solum in eos, sed etiam et in ceteris, qui in talia consentiant, talem ultionem facimus, ut nullus christianus qui hoc audierit, nullatenus tale quid perpetrare amplius presumserit.'

³⁴⁰ (de Jong 1998a, 53-54).

³⁴¹ *Concilium Parisiense* 829 (Conc. 2 no 50 p 669) c 69: 'sicut sunt diversarum pollutionum patratores, quas cum masculis et pecoribus nonnulli diversissimis modis admittunt, quae incomparabilem dulcedinem piissimi creatoris ad amaritudinem provocantes tanto gravius delinunt, quanto contra naturam peccant.' The Biblical examples of God's punishment for sins 'contra naturam' used in this chapter and an earlier one (p 634 c 34) show extremely flexible usage of the idea. There are references to the destruction of Sodom and surrounding cities (Genesis 19), usually interpreted as being for homosexual activity; to the killing of more than 40,000 Benjamites by their fellow Israelites (Judges 19-20) for the murderous rape of a concubine (and a breach of hospitality); and to the destruction of the Flood (Genesis 6), which has no specifically sexual content in the Bible.

³⁴² *Concilium Parisiense* 829 (Conc. 2 no 50 p 669) c 69: 'Sunt sane diversorum malorum patratores... pro quorum etiam diversis sceleribus et flagitiis populus fame et pestilentia flagellatur et ecclesiae status infirmatur et regnum periclitatur.'

relatively short penance for such sins and demanded instead that they follow the canons of the Council of Ancyra (which imposed at least 16 years of penance).³⁴³

Similarly, the *Visio Wettini* (in both Heito's prose version and Walahfrid's verse) describes Wetti being warned that no sin offends God more than that 'contra naturam'.³⁴⁴ Such sin includes both 'sleeping with males' and also (unspecified) forms of sexual activity between spouses.³⁴⁵ The angel leading Wetti warns him 'five times or more' that the 'sodomitical sin' must be avoided.³⁴⁶ Such emphasis may reflect a particular concern about the behaviour of monks, since it is part of a longer section largely concerned with monastic sins.³⁴⁷

Yet apart from these examples, there are very few other references to such sins. Alcuin makes a passing remark that 'unclean behaviours' that are 'not natural' particularly displease God,³⁴⁸ but the other mirrors do not refer to such acts. Nor are there further discussions in capitularies or conciliar material. Actual allegations were rare. In 846 a man was burnt alive for intercourse with a mare,³⁴⁹ and Lothar II's wife Theutberga supposedly confessed to 'sodomiticus' intercourse with her brother,³⁵⁰ but

³⁴³ Concilium Parisiense 829 (Conc. 2 no 50 p 635) c 34. Hrabanus, *Poenitentiale* c 23 quotes the Council of Ancyra penalties.

³⁴⁴ Heitonis visio Wettini (Poet. III. pp. 272-273) c 19: 'in nullo tamen deus magis offenditur, quam contra naturam peccatur.' Visio Wettini v 640-642: 'Nulla tamen tanto peccata furore creator / Vindicat offensus quam quae contraria constant / Naturae'.

³⁴⁵ Heitonis visio Wettini (Poet. III. p 273) c 19: 'Non solum...hic morbus virulenta contagione inrepens inficit animas inter se concubitu masculorum pollutas, sed etiam in coniugatis multiplici peste concretus invenitur, dum in rabiem vexatione libidinis versi...naturae bonum a deo concessum in uxoribus propriis perdunt'. Cf Visio Wettini v 647-655.

³⁴⁶ Heitonis visio Wettini (Poet. III p 274) c 24: 'iterum atque iterum de scelere sodomitico verbum intulit...quinquies et eo amplius vitandum repetivit.'

³⁴⁷ Visio Wettini v 635-784.

³⁴⁸ DVV 18: 'Omnes immunditiae Deo displicent, et maxime quae non sunt naturales.'

³⁴⁹ AB 846: this happened in Lent, which may have been seen as an aggravating factor. Hrabanus, *Epistola* 41 (Epp. 5 p 480) answers a question from Regimbod about the penances for fornicating with a bitch or frequent fornication with cows, which may also suggest real cases.

³⁵⁰ AB 860. Northild's case (*De divortio*, *Responsio* 5 pp. 141-142) may also have involved heterosexual anal intercourse, but the details are (perhaps deliberately) left vague by Hincmar, who refers only to 'quaedam inhonesta' between the couple.

I know of no reports of homosexual acts. Even in Wetti's vision, he is not warned about 'unnatural sins' during his viewing of actual sinners in hell.³⁵¹ Lists of the sins committed in periods of political disorder within the Frankish empire rarely include homosexual acts or bestiality.³⁵²

Allegations of 'unnatural' sexual behaviour never seem to have become a political weapon against opponents, as they did in many other cultures.³⁵³ Perhaps this was because the category of sins 'contra naturam' included both homosexual and heterosexual sins. Public displays of close same-sex social relationships could not in themselves be used to imply sexual deviance, as in some cultures.³⁵⁴ Nor was there an available discourse that claimed to be able to tell the deviant by other aspects of his behaviour.³⁵⁵

Divergent discourses

The specifically Carolingian evidence confirms that Boswell was wrong in seeing the early medieval period as one which 'tolerated' homosexual activity, but does support his view of 'the relative uninterest of Frankish synods and rulers in this issue'.³⁵⁶ The responses to 'unnatural' sexual practices show a noticeable divergence between genres. Penitentials imply that such acts were sufficiently common to need

³⁵¹ Visio Wettini v 310-524.

³⁵² One exception is Council of Pitres-Soissons 862 (Conc. 4 no 10 p 98) c 1 'Ideo ecclesiae et ville incense sunt, quia ignis avaritiae et rapacitatis atque invidie et adulteriorum ac ceterarum inmunditiarum non solum per naturalem sexum, sed etiam per eum sexum, qui est contra naturam, sine penitentia et sine resipiscentia in nobis exarsit et ardet.'

³⁵³ See e.g. (Bray 1982, 72-73; Corbeill 1997). The charge of sodomy against Hubert seems to have been made largely to avoid the question of whether Lothar knew Theutberga was not a virgin at the time of her marriage (see De divortio, Responsio 12 p 182).

³⁵⁴ (Bray 1990) shows how accusations of sodomy in the Elizabethan period could be made by stressing particular public aspects of male relationships. (Balzaretto 1999, 150-151): in tenth century Italy, lay society seems to have suspected any cleric not keeping a woman of being engaged in homosexual sins.

³⁵⁵ (Corbeill 1997, 110-123) discusses the signs by which the effeminate man (often presumed to be sexually passive) could supposedly be recognised by his external appearance. (Leyser 1995, 206-208) shows Peter Damian claiming that sodomite clergy could be recognised by their moral and mental confusion.

³⁵⁶ (Boswell 1980, 179).

detailed discussion, but do not impose extreme penances on all forms of homosexual activity.³⁵⁷ Some penitentials also seem to suggest a 'community identity' of offenders defined by their homosexual sins.³⁵⁸ In contrast, councils and capitularies, along with other moral texts, see sins 'against nature' as exceptionally wicked (and seemingly open to any man), but have only infrequent and non-specific references to such practices.

Such a division of views has some parallels in other societies. Bray sees the society of Renaissance England as marked by 'the metaphysical fear of homosexuality' combined with 'the tacit acceptance of...institutionalised homosexuality in the household and educational system.'³⁵⁹ There were severe legal penalties, yet prosecutions were very rare. He argues convincingly that this was due to the disparity between the conventional image of the sodomite as a force of anarchy and disorder and the actual forms that homosexual practices tended to take.³⁶⁰ Bray concludes that this: 'was not tolerance; it was rather a reluctance to recognise homosexual behaviour'³⁶¹ He sees this as due to an English society which had inherited from the late Middle Ages both a violent antipathy to homosexual behaviour and the existence of such behaviour on an ineradicable scale. A disjunction between the myth of homosexuality and actual practices was thus socially useful.³⁶²

Such a mental separation may have taken place to a lesser extent in the Carolingian world. In contrast to sixteenth century England, official discourses do not see sins against nature as frequent, but there was a fear that they could become so unless repressed. Rulers and assemblies did not, however, decree secular penalties on offenders (with the exception of the man burned for bestiality in 846), nor did they demand that offenders be actively sought out (as with incestuous marriages). The possibility is that they might not have liked what they found. There are persistent hints that monasticism may have been the institutional context in which homosexual

³⁵⁷ (Frantzen 1998, 175-182).

³⁵⁸ (Frantzen 1998, 163-167, 174).

³⁵⁹ (Bray 1982, 57).

³⁶⁰ (Bray 1982, 67-70).

³⁶¹ (Bray 1982, 76).

³⁶² (Bray 1982, 79).

acts were most likely.³⁶³ The possibility of sins ‘contra naturam’ within marriage may also have meant that there was serious potential for scandal if too much attention was paid to such offences.

Bray sees the situation in Renaissance England as ‘something stable and unchanging. Homosexuality had a potentially disruptive effect, but it was held in check and successfully resolved.’³⁶⁴ The same seems to have been largely true in the Carolingian period. There were periodic occasions of near-panic about unnatural behaviour, but little sign of persistent concern about it, as with incestuous marriage and *raptus*. Homosexual behaviour and bestiality were grave concerns, but rarely pressing ones.

4.9 MASCULINITY, NOBILITY AND SEXUAL BEHAVIOUR

Masculinity

Sexual norms that vary according to gender have been a near constant in Western history: the ‘double standard’ has a long and continuing history. Yet other gendered expectations of sexual behaviour have seen major shifts. The ‘medical’ commonplace that women are naturally more sexually voracious,³⁶⁵ which endured from classical to early modern times was reversed in the eighteenth century.³⁶⁶ Instead, a common sentiment in modern Western culture is that sexual restraint is either unmanly or unnatural for men and that ‘real’ men should be sexually active (the ‘male sex drive discourse’).³⁶⁷

The most important distinction in early medieval sexual norms was not between the sexes, but between the laity and religious. Gregory II, for example, allowed the married man whose wife could not ‘fulfil her wifely duty’ because of

³⁶³ The penitentials, for example, developed first as a monastic tool, and are marked by a particular awareness of homosexual acts involving boys: see (Frantzen 1998, 156-162).

³⁶⁴ (Bray 1982, 79).

³⁶⁵ See e.g. Isidore of Seville’s definitions of *femina*, *Etymologiae* XI, 2, 24, quoted in (Smith 1998, 56).

³⁶⁶ (Fletcher 1995, 392-394).

³⁶⁷ (Edley and Wetherell 1995, 61).

illness to remarry (while stressing that continence would be better).³⁶⁸ In the same letter, however, he forbids male and female child oblates to leave the monastery and marry when they reach adulthood: 'the restraints of desire' should not be relaxed for them.³⁶⁹

Looking solely at laypeople, Carolingian sexual regulations do provide some support for Toubert's idea of 'extreme equality'. Some aspects of the double standard survived, particularly the toleration of sexual activities by young unmarried men and harsh punishment of adulteresses, but there were serious attempts to enforce equivalent chastity on both sexes.³⁷⁰

The toleration of young male behaviour may suggest, however, a deeper sense of sexual activity as intrinsic to masculinity, an early version of the 'male sex drive discourse.' Carolingian sources, in fact, seem to be profoundly ambiguous towards the 'demands' of lay male sexual expression. Laymen were not shown as mocked by others for abstinence, but moralists alternate uneasily between demanding restraint from laymen and concern for their sexual 'frailty'. Some moralists saw avoiding premarital sex by men as exceptionally difficult. Odo says of Gerald of Aurillac: 'by far the most outstanding of his deeds is that he preserved his chastity to old age',³⁷¹ while Walter is seen as a 'laudabilis heros' for his restraint.³⁷² Alcuin, however, was keen to insist that such behaviour was possible:

Let no-one say he is not able to keep himself from fornication. For faithful is God, says the blessed Apostle, who does not permit us to be tempted beyond

³⁶⁸ Boniface, Epistola 26 (p 45): 'quodsi mulier infirmitate correpta non valuerit viri debitum reddere, quid eius faciat iugalis: bonum esset, si sic permaneret, ut abstinenciae vacaret; sed quia hoc magnorum est, ille, qui se non poterit continere, nubat magis.'

³⁶⁹ (p 46): 'Addidisti ... utrum liceat eis, [male and female oblates] postquam pubertatis involverint annos, egredi et matrimonio copulare. Hoc omnino devitamus, quia nefas est, ut oblatis a parentibus Deo filiis voluptatis frena laxentur.' Cf. Council of Worms 868 (Conc. 4 no 28A pp. 272-273) c 20.

³⁷⁰ This contrasts with some other times of moral fervour which have focused on female sexual transgressions: see e.g. (Fletcher 1995, 276-278; Sivan 1998, 246-247).

³⁷¹ VG 2-34: 'Quamvis illud incomparabiliter in ejus factis immineat, quod usque in senectutem castus perseveravit.'

³⁷² Waltharius v 427.

that which we are able to bear: but will also make provision with temptation.³⁷³

Laymen less able to resist temptation had the option of marriage. Indeed a marriage without some sexual activity seemed anomalous. Non-consummation remained a reason for divorce even after Carolingian reforms and there was no tradition of 'spiritual marriage', as in some earlier and later periods.³⁷⁴ Even married men, however, were not allowed sexual activities at all times. Moral texts that demand periods of sexual abstinence within marriage again assume a controllable male sex drive.³⁷⁵ Jonas' response to husbands who wish to have freedom to sleep with their wives at will is marked by anger at their impudence, not compassion for their weakness.

Further tensions are revealed in the imposition of penances and penalties for sexual offences. Periods of penance normally involved marital abstinence, but as discussed above,³⁷⁶ this was sometimes relaxed for fear of provoking further sin. In situations where divorce and remarriage were allowed, there were often clear distinctions made between the spouse seen as at fault, who could not remarry and the 'innocent' spouse who could.³⁷⁷ It was sometimes however, explicitly stated that it would be better for the 'innocent' spouse not to remarry, if he or she could remain

³⁷³ DVV 18: 'Nemo dicat a fornicatione se custodire non posse. Fidelis est enim Deus, dicit beatus Apostolus, qui non permittit nos tentari supra id, quod portare possumus: sed faciet etiam cum tentatione proventum.' The Biblical passage cited is 1 Corinthians 10: 13, where it is not particularly linked to sexual immorality.

³⁷⁴ (Elliott 1993, 74-93).

³⁷⁵ In contrast, later medieval theologians saw the need to satisfy the marriage debt as taking priority over periods of abstinence. ((Brundage 1987a, 242))

³⁷⁶ See p 225.

³⁷⁷ See e.g. *Decretum Compensiense* 757 (Cap. I no 15 p 39) c 17 (if a married man sleeps with a mother and daughter, and neither woman knows about the other, the man must send away his wife: she can remarry but he cannot. The mother and daughter can also marry). (This provision is repeated by the Council of Worms 868 (Conc. 4 no 28 p 287) c 63, and thus presumably remained valid, despite the intervening prohibitions on divorce). *Decretum Vermeriense* (Cap. I no 16 p 41) c 9 (if a man flees to another province or follows his lord there and his wife does not follow him, he can remarry after penance, but she cannot).

continent.³⁷⁸ Sometimes, however, the person(s) at fault could also be allowed to remarry.³⁷⁹

The Council of Tribur 895, in particular, wavers curiously between indulgence and rigour. If a woman whose husband is impotent sleeps with her brother-in-law, her marriage is dissolved and both the guilty parties can remarry after penance, because of the 'inbecillitas' of their minds.³⁸⁰ If two brothers or a father and son successively sleep with the same woman in ignorance of each other, the later man can marry after penance (to avoid being 'wounded' by the 'very cruel beast of libido'),³⁸¹ but the woman cannot. If a man sleeps with a woman whom his brother then subsequently marries, although the first brother should undergo 'praedura poenitentia', he is subsequently allowed to remarry, but the woman is not.³⁸² Finally, in one of the *canones extravagantes*, a married man who sleeps with a cousin is forbidden all further intercourse with his wife. Here, the argument of fragility is specifically rejected: it is more important to impose a very harsh penance to prevent the offence being repeated.³⁸³

This council seems to show more indulgence to male than female weakness. Yet other decisions permit women, as well as men to marry (or remarry) if they cannot be continent.³⁸⁴ Carolingian moralists do not see women as naturally more

³⁷⁸ See e.g. *Decretum Vermeriense* (Cap. I no 16 p 40) c 2: if a husband sleep with his stepdaughter, he can never marry. 'Attamen uxor eius, si ita voluerit, si se continere non potest...potest alio nubere.'; p 41 c 10 if a son sleeps with his stepmother, neither can ever be married. 'Sed ill vir, si vult, potest aliam uxorem habere; sed melius est abstinere.'

³⁷⁹ See above p 214.

³⁸⁰ *Concilium Triburiense 895* (Cap. II no 252 p 237) c 41: 'Idcirco episcopus considerata mentis eorum inbecillitate post poenitentiam sua institutione peractam, si se continere non possint, legitimo consoletur matrimonio'. Cf. p 207 c 5.

³⁸¹ *Concilium Triburiense 895* (Cap. II no 252 p 238) c 43: 'ne iterum mordente crudelissima libidinis bestia saucietur et voraginem fornicationis incidere videatur...Mulier vero...ulterius poeniteat atque continens et innupta permaneat.' Cf. p 207 c 6.

³⁸² *Concilium Triburiense 895* (Cap. II no 252 pp. 238-239) c 44. Cf. p 207 c 7.

³⁸³ *Concilium Triburiense 895* (Cap. II no 252 p 247) c 3: 'Visum est humane fragilitatis intuitu, ut post penitentiam non quidem penitus priverentur coniugio, durissime tamen tam inmanis fornicatio vindicetur...ne forte desperata conscientia multiplicius peccent.'

³⁸⁴ See e.g. *Decretum Vermeriense* (Cap. I no 16 p 40) c 6 (if husband is enslaved); Council of Mainz 861x863 (Conc. 4 no 12 p 131). Cf. AB 862 (on Judith).

lustful than men.³⁸⁵ Instead, those unable to resist sexual desire show neither feminine weakness nor masculine potency, but simply human ‘fragility’.

Sex and the gender order

Male control of the household in the Carolingian period appears to have been justified more by direct Scriptural warrant than arguments about women’s moral inferiority.³⁸⁶ Perhaps as a result, the failure of individual men to control either their own or their household’s sexual behaviour rarely seems to have been seen as a particular threat to their masculinity and social status, unlike in later western societies.³⁸⁷ An exception is visible for kings: in the ninth century, the failures of rulers to ensure their own continence and that of their household could become a symbol of wider moral and political failure.³⁸⁸ The same does not seem to have been true of non-royal laymen. Count Boso, for example, is never blamed for his inability to control Ingiltrude’s behaviour. Dhuoda is aware of Bernard’s moral failures (possibly including sexual ones), but does not see this as changing the basic power relations within her family.³⁸⁹ To Jonas, an adulterous man did lose his moral authority over his wife, but only so Christ could become her head, and restrain her from sexual urges.³⁹⁰ The husband’s temporal authority, however, remained.

Social status and sexual behaviour

Sexual norms have been linked to class and social status in many societies, from the medieval conventions of courtly love for an elite to the eighteenth century attempt to locate wife-beating as a lower class problem.³⁹¹ An extreme case of this is in some classical Roman texts, where sexual actions are valued precisely to the extent

³⁸⁵ (Heene 1997, 238-241).

³⁸⁶ (Heene 1997, 102-105, 262-263).

³⁸⁷ See e.g. (Fletcher 1995, Chapter 11, 13; Breitenberg 1996, 18; McSheffrey 1999, 261).

³⁸⁸ See e.g. (Ward 1990, 19; Airlie 1998a, 30-35); LRC 5.

³⁸⁹ LM 3-1 (I disagree here with the assessment of (Claussen 1996)).

³⁹⁰ DIL 2-4.

³⁹¹ (Fletcher 1995, 201).

to which they mirror power relations.³⁹² A two-way linkage between social disorder and sexual disorder has also been common in much Western thought from Biblical times. Social disorder may lead to sexual excess, especially by the lower orders (summed up in the Elizabethan image of 'Babylon').³⁹³ Alternatively, sexual disorder (male or female) may lead to social disorder or even divinely sanctioned disasters.³⁹⁴

A further development of these themes is when an individual man's sexual virtue is used as a symbol of his more general virtue, and thus justifies his social domination. The classical world, for example, developed a political discourse in which the man whose self-control meant he did not seduce the sons or wives of others was therefore suited for rule or public office.³⁹⁵ The Western church similarly seems to have adopted total clerical celibacy as a privileged symbol of holiness.³⁹⁶ Some medieval thought continued this close linkage of sexual behaviour and fitness for power,³⁹⁷ and it remains part of political and moral discourse today.

Carolingian ethics and nobility

Carolingian sexual ethics were in theory the same for all ranks of society, with the partial exception of slaves.³⁹⁸ There are nevertheless hints that some problems were particularly prevalent within one group. One council, for example, saw 'rustici' as particularly prone to marrying off underage boys to adult women.³⁹⁹ Nobles, in

³⁹² (Foucault 1986, 31-36).

³⁹³ (Breitenberg 1996, 1).

³⁹⁴ See e.g. Jerry Falwell blaming the terrorists attacks of 11th September 2001 on the US's acceptance of abortion and homosexuality ((Goodstein 2001)).

³⁹⁵ See e.g. (Foucault 1985, 170-174; Cooper 1992, 152-153).

³⁹⁶ (Brown 1988, 357-359).

³⁹⁷ See e.g. (Balzaretto 1999).

³⁹⁸ *Capitulatio de partibus Saxoniae* (Cap. I no 26 p 69) c 20 is, as far as I know, unique in setting differential fines for illicit marriages: 'Si quis prohibitum vel illicitum coniugium sibi sortitus fuerit, si nobilis solidos sexaginta, si ingenuus triginta, si litus quindecim.'

³⁹⁹ Council of Pavia 850 (Conc. 3 no 23 p 229) c 22.

contrast, were sometimes seen as particularly likely to commit incest.⁴⁰⁰ Jonas strongly condemns this:

So why therefore is such marriage sought after, where both fault is signified and the nobility of worldly dignity is downgraded to infamy? Downgraded, I say, since he who is joined in such a marriage is denobled, and the sons who are born from such a marriage are not admitted to inheritance according to the censure of human laws.⁴⁰¹

Jonas is concerned that the search for advancement in marriage leads to other sins. Men who delay marriage while seeking for worldly honours may become corrupted.⁴⁰² He tells men not to seek for rich wives, and condemns those who want to divorce their wife and remarry a richer woman when their patrimony has been squandered.⁴⁰³ Other sources, however, see birth or wealth as suitable criteria for both men and women seeking marriage partners.⁴⁰⁴

Yet although nobles as a group are sometimes seen as particularly vulnerable to some specific sexual sins, the sexual depravity of individual noblemen is rarely stressed. The only layman punished for sexual sins in Carolingian visions of hell is Charlemagne himself;⁴⁰⁵ even then it is stressed that he will eventually reach

⁴⁰⁰ Council of Douzy 874 (Conc. 4 no 40A p 581): 'quamplures et maxime carne nobiles et honore temporali sublimes...incestis coniunctionibus...in regionibus illis depereunt'.

⁴⁰¹ DIL 2-8: 'Ut quid igitur appetitur tale conjugium, ubi et culpa innuitur, et mundanae dignitatis nobilitas infamiae denotatur? Denotatur dico, quia qui tali conjugio innectitur, denobilitatur, et filii qui ex tali conjugio nascuntur, in haereditatem secundum humanae legis censuram non admittuntur.' Later medieval thought specifically connected sodomy with 'ignobility' ((Jordan 1997, 169)) but this is not visible in the Carolingian sources.

⁴⁰² DIL 2-2: 'Quidam laicorum...ambiendi honoris terreni cupiditate ducti, imo praestolandi tempus, quo honores mundi nancisci valeant, interim in coeno luxuriae se volutantes, antequam ad copulam connubii accedant, diversissimis modis se corrumpunt'.

⁴⁰³ DIL 2-5: 'Non sunt igitur in uxoribus divitiae tantum et pulchritudo, sed potius pudicitia, et morum probitas quaerenda.'; 2-12: 'Sunt etiam alii qui dum prudentes, et formosas, et divites sortiuntur in conjugium, si postea aut mente captae, aut aliqua alia incommoditate corporis correptae, aut earum patrimonio prodiga effusione consumpto in paupertatem fuerint redactae, impudenter eas dimitunt, prudentibus, et pulchrioribus ac ditioribus delectantes.'

⁴⁰⁴ See e.g. LRC 5; Hucbald, Vita sanctae Rictrudis c 5 on Adalbald and Rictrudis: 'Sed ea conveniunt in utrisque quae spectari solent in eligendo marito vel uxore. In viro enim virtus, genus, pulchritudo et sapientia, quae ex his ad amoris affectum potior est, inerat. In uxore autem pulchritudo, genus, divitiae, et mores, qui magis, quam caetera quarendi sunt, habebantur.'

⁴⁰⁵ Visio Wettini v 446-450.

heaven.⁴⁰⁶ While many sources denounce Bernard of Septimania, only Paschasius claims he is guilty of sexual offences.⁴⁰⁷ Conversely, texts describing the Christian virtues of particular noblemen do not mention sexual restraint.⁴⁰⁸ As discussed above,⁴⁰⁹ counts were not specifically expected to demonstrate sexual virtue. Only with the saintly Gerald of Aurillac did sexual behaviour become an important indicator of more general virtue. Carolingian thought thus tends to disconnect the sexual behaviour of laymen from wider concerns: a kiss is just a kiss. This argues against the existence of ‘sexual identities’ in Carolingian moral thought (in the sense of an externally imposed characterisation of a social group based primarily on the sexual behaviour of its members). For men, at least, there seems to be no sexual identity more specific than ‘layman.’ In particular, the ‘Sodomite’, which seems to have become a specific identity later in the Middle Ages,⁴¹⁰ is not yet more than a Biblical figure or an alarming rumour in Carolingian texts.

Sex and meaning

Sexual sins are often mentioned in times of social disorder, but they are not a privileged sign of such disorder.⁴¹¹ The sources referring specifically to the *Stellinga* (Saxon peasant rebels) do not stress their committing sexual sins.⁴¹² Some sexual offences were seen as provoking God’s wrath, particularly incest and sins ‘against

⁴⁰⁶ Visio Wettini v 464-465.

⁴⁰⁷ EA 2-8. This may be partly because other authors are trying to protect Judith’s reputation, but Agobard, though seeing Judith as unchaste, does not mention Bernard. ((Ward 1990, 19, 23)).

⁴⁰⁸ See e.g. Paulinus, Carmen 2 (Poet. I pp. 131-132); Sedulius, Carmen II-67 (Poet. III pp. 220-221) (on Eberhard of Friuli); Visio Wettini v 811-819 (on Gerald).

⁴⁰⁹ See Chapter 3, pp. 146.

⁴¹⁰ (Jordan 1997, 163-164)

⁴¹¹ See above p 228.

⁴¹² AX 841-842, AF 842 and Nithard 4-2 make no reference to any sexual crimes. AB 841 seems to imply they were among those committing ‘rapinae, incendia, stuprae, sacrilegia’, but the emphasis is firmly on Lothar’s responsibility.

nature', but there are relatively few specific cases where such sins are blamed for disasters afflicting the Franks.⁴¹³

Sexual behaviour to Carolingian moralists thus largely seems to have lost its privileged status as the marker of good or evil laymen: the demonstration of manly or noble status or its lack. The probable reason at an individual level is changes arising in late antiquity. As Kate Cooper has shown, celibate men in the Christianised Western Roman empire were successfully able to claim virtue superior to noble married men by dwelling on married men's private lives.⁴¹⁴ In contrast, Christian laymen now had few opportunities for the competitive display of sexual virtue among their peer group. Since all men were expected to have intercourse only with their wives, unless a layman remained celibate (like Gerald of Aurillac), exceptional virtue could be demonstrated only by a chaste adolescence (a transitory achievement) or by unusual restraint in marital sex (an essentially invisible area).

Since exemplary sexual behaviour was thus difficult for laymen to demonstrate publicly and often felt to be hard for them to achieve, moralists may simply have felt it to be counter-productive to give sexual sins too much personal or cosmic significance, leading to either cynicism or despair in lay audiences. If a man could lose the right to control his household due to his own or his *familia*'s sins, patriarchal structures risked serious destabilisation. Similarly, for sexually lax laymen to be made to feel responsible for current natural and military disasters might simply have been too much for their 'fragility' to bear.

4.10 CONCLUSIONS

Foucault once claimed that 'The Middle Ages had organized around the theme of the flesh and the practice of penance a discourse that was markedly unitary', a discourse that he saw as centring on matrimonial relations.⁴¹⁵ More recent studies by

⁴¹³ The Council of Paris in 829 saw sins 'contra naturam' as responsible for recent disasters (see above p 240). Abbo II 599-600 blames the 'delights of lust' along with pride and delight in fine dress for the evils suffered by Francia: 'Quippe supercilium, Veneris quoque feda venustas, / Ac vestis preciose elatio te tibi tollunt.') His specific allegations (v 601-604) include intercourse with 'parentes' and 'monachae' and 'unnatural' behaviour: 'Vel quid naturam...Despicias?'

⁴¹⁴ (Cooper 1992, 162-164).

⁴¹⁵ (Foucault 1978, 33, 37).

specialists, however, have stressed the number of different discourses about sex in the central Middle Ages.⁴¹⁶ For the Carolingian period, my study confirms Payer's view that the 'penitential tradition' and ninth-century texts on sexual matters (councils, capitularies, lay mirrors and the like) were substantially separate.⁴¹⁷ Studies of the penitentials have stressed the significance of sexual sins in them: many penitentials have more than 25% of their canons dealing with sexual matters.⁴¹⁸ This has led some scholars to claim that early medieval moralists were obsessed with sex.⁴¹⁹ The penitential tradition is relatively unanimous and consistent in its sexual content and treatment and also static: there was little 'creative elaboration' of the sexual material from the mid-eighth century.⁴²⁰ Scholars have also seen penitentials as marked by an emphasis on pollution and 'cultic purity'.⁴²¹ Payer sees penitentials as having 'played a major role in giving literary currency to an underlying belief in the uncleanness of sexual intercourse'.⁴²² Penitentials seem to be the main carriers of concerns about marital sexuality (especially in creating specific periods of sexual abstinence) and also show a great interest in homosexual sins, but are not particularly concerned about behaviour that does not disrupt social structures, such as unmarried heterosexual intercourse and prostitution.⁴²³

Payer's claim that there was a 'failure of the society [early medieval West] to provide parallel reflective critical discussion of human sexuality'⁴²⁴ is not borne out by my study. A specifically Carolingian view of sexual behaviour is visible in non-penitential sources, which contrasts in many ways with the penitential tradition.

⁴¹⁶ (Baldwin 1994; Lochrie, McCracken, and Schultz 1997a, x).

⁴¹⁷ (Payer 1984, 116).

⁴¹⁸ (Payer 1984, 52-53; Frantzen 1998, 183).

⁴¹⁹ See e.g. (Brundage 1984, 81, 88-89).

⁴²⁰ (Payer 1984, 116).

⁴²¹ See e.g. (Meens 1995; Lutterbach 1999).

⁴²² (Payer 1984, 118).

⁴²³ (Payer 1984, 36-38, 40).

⁴²⁴ (Payer 1984, 121).

Firstly, Carolingian authors were not obsessed with sexual morality. This is particularly clear in the lay mirrors: Alcuin's *De virtutibus et vitiis* and Dhuoda's *Liber manualis* make sexual morality only a minor part of their work.⁴²⁵ Paulinus' *Liber exhortationis* has almost nothing about sex and is far more concerned about other bodily desires, like eating and drinking.⁴²⁶ Even Jonas in *De institutione laicali*, specifically asked to write about how married men can please God, has less than a quarter of his work about sex and marriage.⁴²⁷ Similarly, a relatively small proportion of capitularies and conciliar decrees are concerned with the sexual behaviour of laymen.⁴²⁸ Nor is sexual behaviour particularly seen as the root of other sins. Alcuin does refer to the sins to which fornication leads, from peril of life to enervation of the mind,⁴²⁹ but these shrink in comparison to the disasters caused by, for example, avarice.⁴³⁰ Most moral texts do not show any hatred or fear of sexual activity, with the exception of the *Vita Geraldi* and possibly *De institutione laicali*. There was no systematic attempt to limit the opportunities for sexual intercourse, as shown by the relatively few mentions of the need for marital abstinence and the acceptance of remarriage for the widowed.

⁴²⁵ DVV 18, 29; LM 4-6.

⁴²⁶ LE 17, advising against living according to the flesh, sees this predominantly as living according to one's own will. LE 36 and 37 are devoted to warning against luxury in food and inebriation, but chastity only gets fleeting mentions in the work.

⁴²⁷ The 3 books of *De institutione laicali* contain 69 chapters in total. Chapters 1-16 of book 2 cover the specific advice for the married (which includes not only sexual matters, but also the discipline of children and the household).

⁴²⁸ (Hartmann 1989, 444) 'Die Sexualmoral der Laien, ein breit ausgemaltes Thema in allen Bußbüchern, spielt auf den Synoden keine große Rolle als Thema der Beratungen und Beschlüsse.' See below p 255 on the few canons of the *Admonitio generalis* 789 dedicated to sexual matters.

⁴²⁹ DVV 29: 'De qua nascitur, id est, fornicatione, caecitas mentis inconstantia oculorum uel totius corporis amor immoderatus; uitae saepe periculum, lasciu[i]a, ioca, petulantia et omnis incontinentia; odium mandatorum Dei, mentis eneruatio, et iniustae cupiditates, negligentia uitae futurae, et praesentis delectatio.'

⁴³⁰ DVV 30: 'Cuius genera sunt inuidiae, furta, latrocinia, homicidia, mendacia, periuria, rapinae, uiolentiae, inquietudo, iniusta iudicia, contemptus ueritatis, futurae beatitudinis obliuio, obduratio cordis.'

Priorities and changes

Carolingian conciliar and capitulary legislation shows a particular concentration on a few sexual and marital areas: incest, divorce and *raptus*. These were frequently condemned and there was considerable concern about the enforcement of these rules. In contrast, there were relatively few regulations on marital sex and ‘unnatural’ sexual behaviour. Fornication and adultery occupied a middle position, being repeatedly condemned in largely general terms, with few specific measures taken against perpetrators.⁴³¹ The Carolingian priorities suggest an agenda driven largely by concerns of public offence. One of the worst accusations made about some sexual crimes was that they had caused ‘scandalum’.⁴³² In contrast, there was a seeming reluctance to intervene within a marriage except in exceptional circumstances.⁴³³ Incestuous marriage and ‘unnatural’ sexual acts were both seen as ‘polluting’ sins that potentially endangered the whole community, but received very different responses. Incest was defined as a ‘public’ offence and rulers wanted the church actively to prevent incestuous marriages and to seek out those who had committed them. Condemnations of homosexual acts and bestiality, in contrast, use occasional threats of exemplary public punishment, but their main focus is on enforcing severe secret penance.⁴³⁴

However this concern to avoid ‘scandal’ did not mean that Carolingian sexual moralising simply reinforced existing social practices or followed an earlier agenda. While there had been repeated conciliar and secular legislation against incest in the Merovingian period, councils had not condemned divorce and *raptus* had been seen

⁴³¹ Such an agenda is already visible in the *Admonitio generalis* 789 (Cap. I no 22 pp. 52-62): c 43 (separated couples cannot remarry); c 49 (hard penance for bestiality and homosexual acts); c 51 (no-one is to marry another’s fiancée); c 68 (prohibiting ‘iniusta conubia’); c 82 (topics to preach on include the need for chastity and continence and the avoidance of fornication and *immunditia*). (Toubert 1996, 398) refers to ‘the continuity of intention through almost a century of Carolingian matrimonial policy (c. 740-820)’.

⁴³² See e.g. Hincmar, *Epistola* 136 (Epp. 8 p 88) (Stephen). Cf. Council of Mainz 852 (Conc. 3 no 26 pp. 248-249) c 11 (Albgis).

⁴³³ (Nelson 1999b, 15).

⁴³⁴ This argues against the view of (de Jong 1997, 898-901) which sees incest defined as a public offence because of its polluting aspect.

largely as a matter of secular law.⁴³⁵ Some Carolingian moralists condemned socially acceptable acts, such as unmarried men fornicating and the killing of adulterous wives by husbands. Moreover, legislation actively created new forms of sexual offence. Remarriage after divorce and marriage to third-degree kin had clearly not been seen as scandalous to many in the Merovingian period. Carolingian moralists now tried to make them so.

The new restrictions on divorce and incestuous marriage, in particular, had a direct impact on the sexual and marital options of elite men. These changes were not simply driven by concerns about ritual purity. Fears of 'pollution' do seem to have influenced provisions on incest, but the relatively sparse discussion of marital sex suggests serious limits to the significance of the concept.⁴³⁶ Neither *raptus* nor divorce were intrinsically harmful to 'cultic purity'.⁴³⁷ Carolingian reforms on sexual norms thus seem to have been driven by a complex mixture of Biblical precedents, concerns with social order and the extension of existing conciliar decrees. The focus of reforms was also probably strongly influenced by the acceptability of changes to particular sexual and marital practices.⁴³⁸ Scholars have often viewed changes in Carolingian sexual norms and rules as being imposed by clerics or rulers on a reluctant laity.⁴³⁹ The consensual nature of Carolingian legislation, however, argues against this, as does the differing emphasis on particular issues.

⁴³⁵ Most Merovingian conciliar decrees on *raptus* concern only the abduction of consecrated women. (The two exceptions are Concilium Aurelianense 511 (Conc. 1 p 3) c 2 (on sanctuary claims by the *raptor*) and Concilium Aurelianense 541 (Conc. 1 p 92) c 22 (no-one 'per imperium potestatis' is to marry without parental consent)).

⁴³⁶ A similar pattern is shown by the lack of intellectual engagement with the problem of nocturnal emissions of clergy in this period; such treatment as existed was routine and mainly in the penitentials: (Elliott 1997, 2).

⁴³⁷ Old Testament Judaism, a culture particularly marked by purity concerns, allowed both divorce and *raptus* in some circumstances.

⁴³⁸ (Toubert 1996, 403): 'the flexibility of the model [of marriage] and its adaptability to special cases does not seem to me to indicate any 'laxity' or cultural deficiency, but rather an anxiety to make the doctrine as socially acceptable as possible.' (Ariès 1985, 148-153) thinks rural communities probably accepted indissoluble marriage more readily than the nobility, since their socio-economic conditions favoured *stabilitas* in marriage.

⁴³⁹ See e.g. (Chélini 1991, 140-141).

Outcomes

One of the most noticeable features about Carolingian moralising on sex is its confusion and disagreement, in contrast both to the consistency of penitentials on sexual matters and the coherence of Carolingian thought about the morality of warfare and power. There seem to be several factors causing inconsistency. In some cases differing views could be part of power struggles or the result of the changing influence of a particular moralist. The Council of Paris in 829 is particularly noticeable for Jonas of Orleans' influence on its sexual moralising. Interventions by popes in marital cases often show more concern about papal prestige than the theological niceties of arguments.⁴⁴⁰

Yet there were also more fundamental problems. Many of the contradictory decisions show a struggle between more rigorous and more lenient responses to sexual sins.⁴⁴¹ Were severe punishments required as deterrents, or would these simply lead to further sins by guilty parties? Such dilemmas were inherently insoluble and so successive councils could swing between different options, such as on the subsequent marriage of a *raptor* and *rapta*.

Another factor was that precision was needed in making judgements on marriages, since they had practical effects in term of property and inheritance. A consensus could be found on the general Biblical precept that 'whom God has joined, let not man separate', but this did not solve many of the specific questions asked. Had God joined a particular couple or not?⁴⁴² Who counted as kin when avoiding incest? Specific answers were required from inadequate textual sources. Scriptural, patristic and conciliar texts were often inconsistent, and problems were compounded by the unclear state of some of the frequently used texts,⁴⁴³ and the existence of forged texts.

Carolingian theological discussions did little to remove the confusion, especially since moralists were sometimes trying to provide creative theological

⁴⁴⁰ (Kottje 1983). Cf. Nicholas, *Epistolae* 7-8 (Epp. 6 pp. 273-275) on Baldwin; Leo IV, *Epistola* 22 (Epp. 5 p 599) on Faleric.

⁴⁴¹ (Toubert 1998, 527-529).

⁴⁴² See e.g. Hincmar, *Epistola* 136 (Epp. 8 p 96) on Stephen: 'oportet eos et coram divinis et coram humanis oculis legaliter ac rationabiliter disiungi, qui inlegaliter in divina iustitia visi fuere coniuncti'.

⁴⁴³ See e.g. the mistranslation of a text from the Council of Ancyra (p. 239); the Council of Friuli's debate on the meaning of the Matthean exception in divorce (p 233).

justifications for what were essentially cultural or social prohibitions. This is seen at its most extreme in the attempts by Hincmar to denounce *raptus*, but is also visible in attempts to find a scriptural basis for periods of marital abstinence and incestuous marriage prohibitions. Such attempts could stir up controversy rather than settle it.⁴⁴⁴ Nor were attempts at ‘sexual theology’ confined to high-ranking clerics. Dhuoda, for example, developed her own distinctive view of the positive qualities of marriage.⁴⁴⁵ There are also a number of passing references to the potential or actual use of ‘incorrect’ theological arguments to justify unsuitable sexual behaviour. These include Jonas’ complaints that ‘impudici’ claim God’s creation of genitals gives sexual freedom to all,⁴⁴⁶ Hincmar’s concerns that misuse of Biblical texts might justify *raptus* and non-penetrative same-sex acts,⁴⁴⁷ and the use of Gregory the Great’s letter to Augustine of Canterbury to justify marriages in the third degree. It is certainly possible that laymen were independently developing some of these arguments.

Despite these continuing uncertainties, as I have shown, some changes were made in sexual and marital norms. The endorsement of such changes in the capitularies implies at least their theoretical acceptance by lay noblemen.⁴⁴⁸ Yet there was also continuing resistance by lay nobles to the new moral demands. As well as possibly using theological arguments, there was also a considerable amount of what might be called ‘procedural resistance’ by nobles caught up in marital disputes. Kings and nobles expended considerable energy on trying to find legal loopholes, for example by claiming that they were not validly married in the first place, or by attempting to manipulate the incest rules to obtain a divorce. Lay offenders sometimes

⁴⁴⁴ See e.g. Hrabanus, Epistola 31 (Epp. 5 pp. 455–458) in which he had to defend his use of Old Testament precedents on incest. Hincmar’s involvement in controversies was so wide-ranging that his views on sex became tangled up with other issues of significance for him: see e.g. the raising of Ebbo’s deposition in *De divortio*, Interrogatio 2 p 125.

⁴⁴⁵ (Nelson 1999a, 127–128).

⁴⁴⁶ DIL 2–9.

⁴⁴⁷ See above pp. 209–210, 238.

⁴⁴⁸ Contradictory views on sexual norms do not simply reflect a lay/clerical divide: for example, authors’ views on whether laymen are able to be chaste before marriage do not line up along lay and clerical lines.

tried appeals to higher authority,⁴⁴⁹ repeatedly promised to reform and then re-offended,⁴⁵⁰ or fled to different jurisdictions.⁴⁵¹ Straightforward defiance of moralists or conciliar decisions was relatively rare;⁴⁵² the new norms were rarely challenged or ignored in most of the recorded cases, but instead stretched and bent.

Why were elite laymen prepared to accept (at least in theory) some changes in sexual norms? At one level it may have been that the changes made were sufficiently limited to be tolerable. For example, the regulations on incestuous marriage seem to have been interpreted in a way that still allowed nobles to wed more distant kin. They may also have been acceptable because they reinforced the power of fathers over sons, a major concern in Carolingian society.⁴⁵³

The restrictions on divorce and remarriage have sometimes been seen as having more drastic effects: Wemple claims that this led to an increase in husbands murdering wives.⁴⁵⁴ While wife killing certainly occurred in the ninth century,⁴⁵⁵ it already did so in the Merovingian period, which allowed divorce.⁴⁵⁶ It is impossible to know whether there was an increase in this practice or whether we are misled by Hincmar's emphasis on it. Men in other cultures (such as Elizabethan England⁴⁵⁷ and

⁴⁴⁹ See e.g. Falcri; Collectio Sangallensis Salomis III tempore conscripta no 30 (Formulae Merovingici et Karolini aevi pp. 415-416)(a noble couple separated by a bishop appeal to the Archbishop of Mainz).

⁴⁵⁰ See e.g. Falcri; Lothar II; Council of Mainz 888 (Mansi 18A col. 69) c 18 (Altmann married his spiritual co-mother, separated on oath, but then returned to her); Council of Metz 893 (Mansi 18A col. 81) c 11 (Lantbert, who had killed his relative and married his widow Waldrada, was excommunicated, since he had returned to her after swearing to separate).

⁴⁵¹ See e.g. Baldwin; Ingiltrude; Council of Mainz 852 (Conc. 3 no 26 pp. 248-249) c 11 (Albgis).

⁴⁵² DIL 2-7 (Clermont ms.)(on men laughing at the idea of abstaining from pregnant wives); Council of Metz 893 (Mansi 18A col. 80) c 10 (Ava separated from her husband, with the support of her brother and other relatives and they then castrated her priest Folcardus when he tried to remonstrate).

⁴⁵³ See above p 219. The prohibitions on *raptus* also reinforced paternal power at the expense of young men.

⁴⁵⁴ (Wemple 1981, 104).

⁴⁵⁵ See above pp. 221-222.

⁴⁵⁶ (Wemple 1981, 47).

⁴⁵⁷ (Fletcher 1995, 110-111).

twentieth century Ireland) have been able to cope with extremely limited opportunities for divorce. Given shorter life spans, the loopholes on divorce I have already mentioned, and (possibly) the option of murder, it may well have been possible for most Carolingian noblemen to achieve their marital aims without needing to resort to divorce.

It is also noticeable that the suggested regulations and prescriptions on sexual behaviour in its strict sense are much less radical than those for marriage (with the exception of *De institutione laicali*). Decisions on marriage by the elite were already a matter of careful calculation; new prescriptions merely extended this slightly. In contrast, attempts to control sexual desire were far more limited. Most Carolingian moralists (and indeed the penitentials) wanted men to be chaste before marriage, faithful within it and to observe periods of marital abstinence. Such a programme was clearly defined and, although demanding, achievable. Those men who failed to live up to these standards could in most cases be 'healed' by penance and still have hope for the future life. Most moralists focused on sexual acts more than desires; only Jonas suggested the worrying possibility of sexual sin arising from otherwise lawful acts undertaken with the wrong desires.⁴⁵⁸

Carolingian reformers thus may have been able to effect changes in marital norms because noblemen could adapt existing social structures and hierarchies to the new conditions. The reformers may also have been able to argue for (and possibly achieve) changed sexual norms, in contrast, because these were not significant in terms of social structures: the double standard was not essential to Carolingian patriarchy. Paradoxically, changes could be made to sexual and marital norms precisely because the underlying social realities could nevertheless remain largely unchanged.

⁴⁵⁸ See e.g. DIL 2-1: 'Quod conjugium a Deo sit institutum; et non sit appetendum causa luxuriae, sed liberorum procreatione'.

OVERALL CONCLUSIONS

The previous chapters have shown the moral norms proposed to noble laymen in three main areas: the conduct of warfare, the use of power and sexual behaviour. Although all three areas were discussed extensively, the outcomes were noticeably different. Moralists accepted almost completely the existing culture of warfare. There were very few 'Christian' demands for limiting warfare, let alone any signs of pacifism. Nor are there moral concerns about the conduct of warfare: all that matters is the 'right' side winning.

Moralists made more criticisms of existing norms on the use of power. Yet most criticism is combined within an acceptance of the existing framework of power relations. Alongside a few particularly critical voices, such as Smaragdus on slavery or Jonas on the equality of all men, there are also a few hints of more widespread conflicts between moral views, such as in discussions of suitable counsellors and the moral nobility of laymen. The frequent expression of moral norms on power in generalised terms of obedience, justice and other uplifting abstract nouns may, however, have been intended to avoid most such conflicts.

In contrast, moralists demanded and attempted to enforce sexual norms that were both specific and required alteration to existing social practices, such as about divorce and consanguineous marriage. Such changes were not simply imposed by the 'church', but required complex negotiations with laymen. There are signs of ideological conflict over particular areas, such as marital sex. Probably as a consequence, assemblies and councils seem deliberately to have focused on particular issues that were more amenable to alteration.

The different results are not simply due to a lack of alternative viewpoints to draw on. In each case a choice was made between more and less radical demands for change. Social realities seem to have played a key role: for changes in moral norms to achieve consensus (and hence some kind of validity) they had to be calibrated to avoid endangering the proper functioning of the Carolingian state and the nobleman's role within this. Sexual morality (or rather the morality of marriage) was therefore changed more radically, not because it was more important to clerics, but rather because it was less important to nobles. The *Vita Geraldi*, for example, shows a nobleman who could give up sexual activity (with some internal struggle), could only partially give up warfare, and could not give up secular power or noble patterns of consumption. While even a saint who remained in the lay world had to fight, social

practices could adapt to changed norms on marriage. Carolingian lay noblemen, who could not avoid warfare and the exercise of power, could then use chaste behaviour as a surrogate for other virtues, as late antique bishops had done.¹

Masculinity and nobility

Complex negotiations between interested groups seem to have created a model of virtuous lay masculinity that, however uninspiring, was achievable for conscientious noblemen.² The norms chosen suggest that warfare was the most important area for lay masculine identity. There is no sign of 'compulsory heterosexuality' in the sense of demands that laymen must be sexual active, or criticism of them for not being so. There is also little evidence that those holding power were seen as intrinsically more 'manly' than those who did not: full male status even seems to have been available to unfree men. Combat, however, seems to have been nearly compulsory at least for elite laymen, and cowardice or military incompetence was a serious accusation.³

There are hints that nobility had to be performed more than masculinity: for example, moral norms on clothing focused on social status rather than gender. Nevertheless, nobility still often appears as 'natural'; the nobility's right to their social position was self-evident (or deliberately not discussed). As a result, the ideology of noble behaviour is very thin as compared to that of royal behaviour.⁴ New developments are, however, visible. An ideology of the moral nobility of lay nobles begins to appear, seemingly developed by the laity themselves. Such a development may imply the creation of noble self-consciousness, but it also suggests a new need to defend the lay nobility's social position. The *Vita Geraldi* similarly shows a new defensiveness about lay noble masculinity. The work has often been seen as a point of

¹ (Brown 1988, 358-359).

² Cf. (Crone and Cook 1977, 147): 'the yoke of their [Muslims'] law is one which, at the level of the family, men can actually bear.'

³ Other aspects, not considered in this thesis, were also important for demonstrating masculinity. Religious orthodoxy was often described as manly: see e.g. Paulinus, *Contra Felicem libri tres*, Book 1, 12: 'Porro, cum uir iste anilis fabulae iuris de quo loquimur - si tamen uir dici debeat qui non uiriliter, sed eneruiter agit'.

⁴ There is, for example, no Carolingian equivalent to *Rather of Verona, Praeloquia*, Book 1 with its detailed specification of the moral virtues proper to specific social statuses.

departure, creating a new ideal for Christian laymen.⁵ Yet unlike earlier Carolingian moralists, who had seen a moral life as compatible with marriage and the use of arms, Odo shows Gerald trying to avoid warfare and any sexual activity. The different standards chosen may be because Odo wants to portray a saint, rather than simply a pious laymen, but the result was to produce a model less relevant to most lay noble lifestyles than the lay mirrors.⁶

Masculinity in crisis?

As discussed in the introduction, I have seen discourse as the key marker of a 'crisis' of masculinity. On that basis, there is no evidence of crisis in masculinity in the period. The Carolingian period was not short in texts proclaiming crises in many aspects of life,⁷ but 'men as men' or particular groups of men as 'men' were not seen as the problem. My view contrasts with that of Janet Nelson who suggests that Carolingian reforms may have generated a crisis in some aristocratic young men.⁸ Although she gives examples of men in crisis, the difficulty is establishing whether this was a crisis about (lay) masculinity.⁹ I cannot see in moral texts sufficient ideological pressure about lay masculinity to drive men into crisis. Moralists did not claim that lay masculinity was a hopeless case; instead a few changes to the lay lifestyle could ensure the layman's place in heaven.¹⁰ Unlike eleventh-century reforming clerics, Carolingian moralists seemingly did not intend to create crises in men, even if some did result. In most of the cases highlighted by Nelson, moreover,

⁵ See e.g. (Poulin 1975, 81-98; Lotter 1983, 89-95).

⁶ See (Airlie 1992). Odo does, however, produce a model of saintliness which can include the possession of secular power and personal wealth, and in this shows continuity with Carolingian texts.

⁷ (Dutton 1994, 1): 'the conception of a troubled age became an intellectual space into which they [Carolingian intellectuals] could pour their complaints about the dangerous turn of the times.'

⁸ (Nelson 1999a).

⁹ See Chapter 1 pp. 15-17.

¹⁰ DVV in particular seems to me to assume an audience less of 'spiritual athletes' than 'spiritual couch-potatoes', which may explain its popularity. Certainly a moralist who can claim: (c 9) 'Sine ferro vel flammis martyres esse possumus, si patientiam veraciter in animo servamus cum proximis nostris.' is not making excessive demands for holiness.

another source of crisis is visible: the tensions between father and son.¹¹ This was an ideologically charged area for Carolingian moralists,¹² and the strong moral demands for obedience to fathers may well have created crisis for young men feeling unable to do so.

Carolingian lay masculinity and its uses

If Carolingian lay masculinity was not in crisis, this makes the period relatively unusual, given how often the crisis narrative has appeared in studies of other historical periods.¹³ There are two important aspects: lay masculinity's relationship to Carolingian concepts of 'femininity' and women's social role, and its relation to models of clerical masculinity.

As Kimmel indicates, masculinity and femininity are relational constructs, and 'definitions of masculinity are historically *reactive* to changing definitions of femininity.'¹⁴ One reason for a relatively secure lay masculinity may have been the ideological strength of Carolingian patriarchy. At the bodily level, scripture and theology provided a view of creation in which sexual difference was divinely ordained and eternal.¹⁵ Socially, scriptural and Christian traditions authorised husbands to control households and the male holders of clerical office to control religious practices, while Roman traditions gave secular authority almost entirely to men. The realities of early medieval life, meanwhile, meant that the vulnerable, (which included most women) needed male protection in order to escape oppression from the powerful. In such a society, male dominance was easily ensured. Carolingian texts show relatively low levels of misogyny, compared to those of late antiquity and

¹¹ This is present in four of her examples: Odo of Cluny, Gerald of Aurillac, Rigrannus and Charles the Fat. (The concerns of Wolo, an oblate at St Gall, seem to me to reflect eleventh-century priorities more than ninth-century ones). If King Alfred did experience a crisis in his lay masculinity, he seemingly overcame it, since he successfully continued both married life and warfare.

¹² See Chapter 3, section 4.

¹³ (Allen 2002) lists some of the many scholarly and popular works on the theme.

¹⁴ (Kimmel 1987, 123).

¹⁵ (Brown 1988, 382-384): Western Christianity, from the fourth century, held that sexual difference survived even in resurrected bodies.

the central Middle Ages.¹⁶ There was no need for a heightened discourse contrasting masculinity to a despised femininity.

Early Scandinavia, however, shows that a culture which was not particularly misogynistic (in that femaleness *per se* was not hated),¹⁷ could nevertheless be marked by acute worries about male failure. As many studies have shown, discourses about manliness and effeminacy are often as much about competitions between groups of men for power and authority as about male-female relations. The cultural blending of Carolingian society is also significant here. Prowess as a warrior or the power to dominate were no longer the only masculine ideals. Late antique Christianity developed new models of manliness in the bishop and the monk. Elite men who were not ‘manly’ in terms of physical prowess (for example, those who preferred study to warfare or those who had simply grown too old to fight) thus had alternative ways to demonstrate a culturally exalted masculinity.

In the late Roman period, these alternative masculine norms seem to have been polarised, which some scholars have seen as leading to crisis.¹⁸ Later in the Middle Ages, similarly, contrasting images of masculinity became an important part of the self-definition of some social groups. Eleventh and twelfth-century clerical reformers denounced effeminate court culture,¹⁹ while some texts of this period seem deliberately designed to create and feed masculine anxieties.²⁰

Ninth-century Frankish masculinity, in contrast, seems to have been more inclusive, with very few authors writing as conscious ‘outsiders’, alienated from the centres of power.²¹ Political thought stressed the unity of society and the need for co-operation between clerical and lay *ordines*.²² Although bishops in particular still

¹⁶ (Heene 1997, 265-278).

¹⁷ (Clover 1993, 379).

¹⁸ (Kuefler 2001, 286-). As (Cooper and Leyser 2000, 543-546) show, however, such polarisation of ascetics against married men was already partly subverted by St Augustine.

¹⁹ (Jaeger 1985, chapter 9); these included Ralph Glaber and William of Malmesbury.

²⁰ See Chapter 1 p 17.

²¹ (Scharff 2002, 83-84, 89-90). Agobard is one of the few authors who depicts himself as such.

²² For elite men, this was summarised in the need for counts and bishops to ‘love’ one another: See Chapter 3, p 145.

stressed the moral superiority of the clerical *ordo*, too destructive a criticism of lay masculinity by them would probably have been socially and politically unacceptable.²³

Polarised definitions of lay masculinity and clerical masculinity became blurred both in ideology and practice. Elite religious were expected to participate in warfare.²⁴ Secular warriors fighting to extend the Frankish empire were assimilated to spiritual warriors, rather than contrasted with them.²⁵ In sexual matters, rather than a stark contrast of holy purity and bodily lust, Carolingian moralists developed an ethic of male faithfulness in marriage, which could give the married man a holy life, even if not reaching the ascetic heights.

Unity was also an important political ideal, with Carolingian sources stressing collective decision making by the ruler and *fideles*.²⁶ The political system was intended to avoid excessive competition for power or its monopolisation by any group.²⁷ In the intense competition for office in the Roman republic, charges of effeminacy had been one of many political weapons.²⁸ Such a tactic was probably less effective against political opponents in the ninth century, when royal favour rather than a wider 'reputation' was the key to success.²⁹

The masculine norms that were promoted may also have had more specific uses. Unlike in colonial empires, Frankish rulers intended that most of the elite from conquered regions would be fully integrated into the political and social world of the Franks. There is very little evidence for any discourse about the 'femaleness' of

²³ Jonas and Hincmar, two of the strongest defenders of clerical superiority, also wrote lay mirrors, showing a clear awareness of the potential moral virtue of noble laymen.

²⁴ See Chapter 2 p 41.

²⁵ See, for an extreme case, Poeta Saxo, *Vita Caroli Magni*, Book 5 v 673-688 (PCR pp. 344-345) on Charlemagne as an 'apostle' of the Saxons.

²⁶ See Chapter 3 pp. 129-130.

²⁷ See e.g. *De ordine* 18 advising that the ruler should have officials from every region.

²⁸ See e.g. (Corbeill 1997).

²⁹ (Airlie 1985) shows some ninth-century tactics, such as accusations of infidelity (p 43) or of military failure (pp. 48-49).

conquered regions or their inhabitants.³⁰ Nor was there much expression of a view that defeat in battle was itself a sign of unmanliness. As a result, armies from the new territories, (once their warriors had been properly Christianised and were thus able to fight ‘manfully’)³¹ could relatively easily be absorbed into the Carolingian project of expansion. Similarly, one important model of kingship portrayed the ruler as patriarch of a kingdom-wide *familia*.³² This may have been more politically acceptable in a moral culture that dissociated masculinity from domination. Nobles could be subjects without thereby having their gender status imperilled.

Carolingian norms of masculinity thus seem to reflect a particular historical moment, in which patriarchal control was relatively assured, more than one elite male lifestyle was valued, and there was no intense competition between the proponents of these different concepts of manliness. The norms thus created in turn had politically useful functions. This relatively inclusive form of masculinity, however, did not have a long future. Whether or not it survived into the tenth century,³³ the eleventh century reform movement’s emphasis both on clerical celibacy and a redefinition of the clergy as among the ‘inermes’ drove a permanent wedge between clerical and lay masculinities in medieval Europe. At the same time, the lifestyle of the noble layman came under attack by some writers as intrinsically immoral. Noble laymen had to choose between two value systems,³⁴ creating tensions that inevitably affected ideals of masculinity in the high Middle Ages.

³⁰ A discourse of femininity is strongly visible, by contrast, in nineteenth-century British imperial ideology ((Tosh 1994, 197)).

³¹ Carolingian texts describe only Christian warriors and armies as fighting ‘viriliter’. See e.g. ARF 776, 783 (Franks); ARF Rev 775 (Franks); AB 842 (Charles the Bald’s and Louis the German’s armies); AB 844 (Lothar, Louis and Charles); AB 848, 873 (Charles the Bald); Nithard 2-1 (Louis the Pious); Regino 776 (Franks); Regino 784 (Charles the Younger); Regino 867 (Robert the Strong); Regino 902 (Eberhard, Gebehard and Rudolf); AF 876 (Louis the German). (Regino 783 appears to suggest manful action by the (pagan) Saxons, but this is probably simply due to a clumsy paraphrase of his source, ARF 783).

³² (Nelson 1994, 59-62).

³³ (Balzaretto 1999, 150-151) shows tenth-century Italian clerics apparently worried about their possible loss of masculinity.

³⁴ (Bosl 1977, 34-36).

ABBREVIATIONS

AB	<i>Annales Bertiniani</i>
Abbo	Abbo of St Germain-des-Prés, <i>Bella Parisacae urbis</i>
Ad Carolum III	Hincmar of Rheims, <i>Ad Carolum III imperatorum ut Ludovici Balbi sobrini sui filiis regibus idoneos educatores et consiliarios constituat</i>
Ad episcopos	Hincmar of Rheims, <i>Ad episcopos regni admonitio altera</i>
AF	<i>Annales Fuldenses</i>
AF(B)	Bavarian continuation (pp. 107-135)
AF(M)	Mainz continuation (pp. 97-107)
ARF	<i>Annales regni Francorum</i>
ARF Rev	Revised version
Astronomer	Astronomer, <i>Vita Hludowici imperatoris</i>
AV	<i>Annales Vedastini</i>
AX	<i>Annales Xantenses</i>
Cap.	<i>Capitularia regum Francorum</i> . MGH Legum Sectio 3
Cap. episc.	<i>Capitula episcoporum</i> . MGH Legum Sectio 4, edited by P. Brommer, R. Pokorny and M. Stratmann. Hanover, 1984-
CCCM	<i>Corpus Christianorum Series Latina. Continuatio Mediaevalis</i> . Turnhout, 1966-
CCSL	<i>Corpus Christianorum Series Latina</i> . Turnhout, 1953-
Conc.	<i>Concilia</i> . MGH Legum Sectio 4. Hanover, 1893-
CSEL	<i>Corpus Scriptorum Ecclesiasticorum Latinorum</i> . Vienna: 1866-
De cavendis	Hincmar of Rheims, <i>De cavendis vitiis et virtutibus exercendis</i>
De coercendo	Hincmar of Rheims, <i>De coercendo et exstirpando raptu viduarum, puellarum ac sanctimonialium</i>
De divortio	Hincmar of Rheims, <i>De divortio Lotharii regis et Theutbergae reginae</i>
De iniusticiis	Agobard of Lyons, <i>De iniusticiis</i>

De ordine	Hincmar of Rheims, <i>De ordine palatii</i>
De regis	Hincmar of Rheims, <i>De regis persona et regio ministerio</i>
DIL	Jonas of Orléans, <i>De institutione laicali</i>
Dip. Kar.	<i>Diplomata Karolinorum</i> . MGH Diplomata. Hanover, 1906-
DIR	Jonas of Orléans, <i>De institutione regia</i>
DVV	Alcuin, <i>De virtutibus et vitiis liber</i>
EA	Paschasius Radbertus, <i>Epitaphium Arsenii</i>
Epp.	<i>Epistolae Merowingici et Karolini aevi</i> . MGH Epistolae, III-VIII. Berlin, 1892-
Fredegar	Fredegar, <i>Chronicon</i>
In honorem	Ermoldus Nigellus, <i>In honorem Hludovicii Pii</i>
LA	Agobard of Lyons, <i>Liber apologeticus</i>
LE	Paulinus of Aquileia, <i>Liber exhortationis</i>
Leges	<i>Leges nationum Germanicarum</i> . MGH Legum Sectio 2. Hanover, 1888-
LM	Dhuoda, <i>Liber manualis</i>
LRC	Sedulius Scottus, <i>Liber de rectoribus christianis</i>
Mansi	<i>Sacrorum conciliorum: nova et amplissima collectio</i> . 53 vols., edited by G. D. Mansi. Graz, 1960-1961. Originally published: Florence, 1759-1798.
MGH	<i>Monumenta Germaniae Historica</i>
Nithard	Nithard, <i>De dissensionibus filiorum Ludovici Pii libri IV</i>
Notker	Notker Balbulus, <i>Gesta Karoli Magni imperatoris</i>
Novi regis	Hincmar of Rheims, <i>Novi regis instructio ad rectam regni administrationem</i>
Paraenesis	Theodulf, Carmen 28, Poet. I. pp. 493-517
PCR	P. Godman, <i>Poetry of the Carolingian Renaissance</i>

PL	<i>Patrologiae Cursus Completus, Series Latina</i> . 221 vols. Edited by J.-P. Migne. Paris, 1841-1864.
PLS	<i>Pactus legis Salicae</i>
Poet.	<i>Poetae Latini aevi Carolini</i> . 4 vols. MGH Poetae, edited by E. Dümmmler, L. Traube, P. von Winterfeld and K. Strecker. Berlin, 1881-1923
Pseudo-Cyprian	<i>Pseudo-Cyprianus: De XII abusivis saeculi</i>
Quierzy letter	Council of Quierzy 858 (Conc. 3 no 41 pp. 408-427)
Regino	Regino of Prüm, <i>Chronicon</i>
Regula pastoralis	Gregory the Great, <i>Regula pastoralis</i>
Settimane	<i>Settimane di studio del centro italiano di studi sull'alto Medioevo</i> . Spoleto, 1954-
SRG	<i>Scriptores rerum Germanicarum in usum scholarum separatim editi</i> . MGH Scriptores. Hanover, 1871-
SRG NS	<i>Scriptores rerum Germanicarum, nova series</i> . MGH Scriptores. Berlin, 1922-
SRM	<i>Scriptores rerum Merovingicarum</i> . 7 vols. MGH Scriptores. Edited by B. Krusch and W. Levison. Hanover, 1885-1920
SS	<i>Scriptores in folio</i> . 30 vols. MGH Scriptores. Hanover, 1824-1934
Tessier	<i>Recueil des actes de Charles II le Chauve Roi de France</i> , edited by M. G. Tessier
Thegan	Thegan, <i>Gesta Hludowici imperatoris</i>
VA	Paschasius Radbertus, <i>Vita sancti Adalhardi</i>
VB	Ardo, <i>Vita Benedicti abbatis Anianensis et Indensis</i>
VG	Odo of Cluny, <i>Vita Sancti Geraldii Auriliacensis</i>
Visio Wettini	Walahfrid Strabo, Visio Wettini
VK	Einhard, <i>Vita Karoli Magni</i>

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